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No. 50] NEW DELHI, DECEMBER 10—DECEMBER 16, 2006, SATURDAY/AGRAHAYANA 19—AGRAHAYANA 25, 1928

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय
(कार्मिक और प्रशिक्षण विभाग)
नई दिल्ली, 7 दिसम्बर, 2006

का. आ. 4781.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निम्नलिखित अधिनियम में सभी अपराधों को अपराध के रूप में विनिर्दिष्ट करता है, जिन्हें दिल्ली विशेष पुलिस स्थापना द्वारा अन्वेषण किया जाना है:—

(अ) भारतीय दण्ड संहिता, 1860 (1860 का अधिनियम 45) की धारा 482 एवं 483 के अधीन दंडनीय अपराध

(ब) ट्रेड मार्क एक्ट, 1999 (1999 का अधिनियम 46) के अधीन सभी संज्ञेय अपराध; एवं

(स) संसक्त प्रयत्नों, दुष्प्रेरण और षडयन्त्रों तथा उसी संव्यवहार के अनुक्रम में किए गये एक या अधिक उपर्युक्त एवं अन्य कोई अपराध या उसी संव्यवहार के अनुक्रम में किए गये अपराध अथवा उन्ही तथ्यों से उद्भूत अपराध।

[सं. 228/38/2006-ए.वी.डी.-II]

चन्द्र प्रकाश, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES
AND PENSIONS
(Department of Personnel and Training)
New Delhi, the 7th December, 2006

S. O. 4781.—In exercise of the powers conferred by Sub-section (3) of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government hereby specifies all the offences under the following Act as the offences which are to be investigated by the Special Police Establishment:

(a) Offences punishable under Sections 482 and 483 of the Indian Penal Code, 1860 (Act No. 45 of 1860);

(b) All cognizable offences under the Trade Marks Act, 1999 (Act No. 46 of 1999); and

(c) Attempts, abetments and conspiracies in relation to or in connection with one or more of the offences mentioned above and any other offence or offences committed in the course of the same transaction or arising out of the same facts.

[No. 228/38/2006-AVD-II]

CHANDRA PRAKASH, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

(केन्द्रीय प्रत्यक्ष कर बोर्ड)

नई दिल्ली, 3 नवम्बर, 2006

(आयकर)

का.आ. 4782.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उप-खंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा यह अधिसूचित करती है कि “ई एन इंडिया, नई दिल्ली” (इसके बाद “संस्था” कहा गया है) की ओर से किसी व्यक्ति द्वारा प्राप्त की गई कोई आय निम्नलिखित शर्तों के अध्वधीन कर निर्धारण वर्ष 2005-2006 से 2007-2008 तक के लिए ऐसे व्यक्ति की सकल आय में कराधेय आय के रूप में शामिल नहीं की जाएगी :

- (i) संस्था अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगी जिनके लिए इसकी स्थापना की गई है तथा उस मामले में जहां इसकी पंद्रह प्रतिशत से अधिक आय अप्रैल, 2002 के पहले दिन में या उसके पश्चात् आय एकत्र की गई है, इसकी आय के संचयन की राशि के पंद्रह प्रतिशत से अधिक होने की अवधि किसी भी स्थिति में पाँच वर्ष से अधिक नहीं होनी चाहिए;
- (ii) संस्था उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उप-धारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से अपनी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार संस्था के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;
- (iv) संस्था आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) विघटन की स्थिति में संस्था अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएगी।

यह अधिसूचना संस्था की ओर से आय के प्राप्तकर्ता पर ही लागू होगी न कि इस तरह के प्राप्तकर्ता द्वारा किसी अन्य प्राप्ति अथवा आय पर। संस्था की कराधेयता अथवा अन्यथा आय पर, आयकर अधिनियम, 1961 के उपबंधों के अनुसार पृथक रूप से विचार किया जाएगा।

[अधिसूचना सं. 310/2006/फा. सं. 197/92/2006-आयकर नि.-I]

दीपक गर्ग, अवर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

(Central Board of Direct Taxes)

New Delhi, the 3rd November, 2006

(INCOMETAX)

S. O. 4782.—In exercise of powers conferred by sub-clause (iv) of Clause (23C) of Section 10 of the Income Tax Act, 1961 (43 of 1961), the Central Government hereby notifies that any income received by any person on behalf of “EAN India, New Delhi” (hereinafter the “Institution”) shall not be included in the total income of such person as assessable for the Assessment Years 2005-2006 to 2007-08, subject to the following conditions :

- (i) the Institution will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established and in a case where more than fifteen per cent of its income is accumulated on or after the 1st day of April, 2002, the period of the accumulation of the amount exceeding fifteen per cent of its income shall in no case exceed five years;
- (ii) the Institution will not invest or deposit its fund (other than voluntary contribution received and maintained in the form of jewellery, furniture, etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in Sub-section (5) of the Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the Institution and separate books of account are maintained in respect of such business;
- (iv) the Institution will regularly file its return of income before the Income Tax authority in accordance with the provisions of the Income Tax Act, 1961;
- (v) that in the event of dissolution of the Institution, its surplus and the assets will be given to an organization with similar objectives.

This notification is applicable only to the recipients of income on behalf of the Institution and not to any other receipt or income of such recipients. Taxability or, otherwise of the income of the Institution would be separately considered as per the provisions of the Income tax Act, 1961.

[Notification No. 310/2006/F. No. 197/92/2006-ITA.-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 7 नवम्बर, 2006

(आयकर)

का.आ. 4783.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा यह अधिसूचित करती है

कि “दि मैसूर रिसेटलमेंट एण्ड डेवलपमेंट एजेंसी, बंगलौर” (इसके बाद “संस्था” कहा गया है) की ओर से किसी व्यक्ति द्वारा प्राप्त की गई कोई आय निम्नलिखित शर्तों के अधधीन कर निर्धारण वर्ष 2006-2007 से 2008-2009 तक के लिए ऐसे व्यक्ति की सकल आय में कराधेय आय के रूप में शामिल नहीं की जाएगी :

- (i) संस्था अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगी जिनके लिए इसकी स्थापना की गई है तथा उस मामले में जहाँ इसकी पंद्रह प्रतिशत से अधिक आय अप्रैल, 2002 के पहले दिन में या उसके पश्चात् आय एकत्र की गई है, इसकी आय के संचयन की राशि के पंद्रह प्रतिशत से अधिक होने की अवधि किसी भी स्थिति में पाँच वर्ष से अधिक नहीं होनी चाहिए;
- (ii) संस्था उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से अपनी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार संस्था के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएँ नहीं रखी जाती हों;
- (iv) संस्था आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आय कर प्राधिकारी के समक्ष फाइल करेगा;
- (v) विघटन की स्थिति में संस्था अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएगी।

यह अधिसूचना केवल संस्था की ओर से आय के प्राप्तकर्ता पर ही लागू होगी न कि इस तरह के प्राप्तकर्ता द्वारा किसी अन्य प्राप्ति अथवा आय पर। संस्था की कराधेयता अथवा अन्यथा आय पर, आयकर अधिनियम, 1961 के उपबंधों के अनुसार पृथक रूप से विचार किया जाएगा।

[अधिसूचना सं. 311/2006/फा. सं. 197/106/2006-आयकर नि.-I]

दीपक गर्ग, अवर सचिव

New Delhi, the 7th November, 2006

(INCOMETAX)

S. O. 4783.—In exercise of powers conferred by the sub-clause (iv) of the Clause (23C) of Section 10 of the Income Tax Act, 1961 (43 of 1961), the Central Government hereby notifies that any income received by any person on behalf of “The Mysore Resettlement and Development Agency, Bangalore” (hereinafter the “Institution”) shall not be included in the total income of such person as

assessable for the Assessment Years 2006-2007 to 2008-2009, subject to the following conditions :

- (i) the Institution will apply its income, or accumulate for application, wholly or exclusively to the objects for which it is established and in a case where more than fifteen per cent of its income is accumulated on or after the 1st day of April, 2002, the period of the accumulation of the amount exceeding fifteen per cent of its income shall in no case exceed five years;
- (ii) the Institution will not invest or deposit its fund (other than voluntary contributions and maintained in the form of jewellery, furniture, etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in Sub-section (5) of the Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the Institution and separate books of account are maintained in respect of such business;
- (iv) the Institution will regularly file its return of income before the Income tax authority in accordance with the provisions of the Income Tax Act, 1961;
- (v) that in the event of dissolution of the Institution, its surplus and the assets will be given to an organization with similar objectives.

This notification is applicable only to the recipients of income on behalf of the Institution and not to any other receipt or income of such recipients. Taxability or, otherwise of the income of the Institution would be separately considered as per the provisions of the Income Tax Act, 1961.

[Notification No. 311/2006/F. No. 197/106/2006-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 7 नवम्बर, 2006

(आयकर)

का.आ. 4784.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उप-खंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा यह अधिसूचित करती है कि “इंस्टीट्यूट ऑफ रेल ट्रांसपोर्ट, नई दिल्ली” (इसके बाद “संस्था” कहा गया है) की ओर से किसी व्यक्ति द्वारा प्राप्त की गई कोई आय निम्नलिखित शर्तों के अधधीन कर निर्धारण वर्ष 2005-2006 से 2007-2008 तक के लिए ऐसे व्यक्ति की सकल आय में कराधेय आय के रूप में शामिल नहीं की जाएगी :

- (i) संस्था अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगी जिनके लिए इसकी स्थापना की गई है तथा उस मामले में जहाँ इसकी पंद्रह प्रतिशत से अधिक आय अप्रैल, 2002 के पहले दिन में या उसके

परन्तु आय एकत्र की गई है, इसकी आय के संचयन की राशि के पन्द्रह प्रतिशत से अधिक होने की अवधि किसी भी स्थिति में पाँच वर्ष से अधिक नहीं होनी चाहिए;

- (i) संस्था उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उप-धारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से अपनी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार संस्था के उद्देश्यों की प्राप्ति के लिए प्रावणिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएँ नहीं रखी जाती हो;
- (iv) संस्था आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आय कर प्राधिकारी के समक्ष फाइल करेगा;
- (v) विघटन की स्थिति में संस्था अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएगी।

यह अधिसूचना केवल संस्था की ओर से आय के प्राप्तकर्ता पर ही लागू होगी न कि इस तरह के प्राप्तकर्ता द्वारा किसी अन्य प्राप्ति अथवा आय पर। संस्था की कराधेयता अथवा अन्यथा आय पर, आयकर अधिनियम, 1961 के उपबंधों के अनुसार पृथक् रूप से विचार किया जाएगा।

(अधिसूचना सं. 312/2006/फा. सं. 197/98/2006-आयकर वि.-I)
दीर्घा, नई, अवर सचिव

New Delhi, the 7th November, 2006.

(INCOME TAX)

सं. 4784.—In exercise of powers conferred by the sub-clause (iv) of the clause (23C) of Section 10 of the Income Tax Act, 1961 (43 of 1961), the Central Government hereby notifies that any income received by any person on behalf of "Institute of Rail Transport, New Delhi" (hereinafter the "Institution") shall not be included in the total income of such person as assessable for the Assessment Years 2003-2004 to 2007-2008, subject to the following conditions:

(i) The Institution will apply its income, or accumulate or invest it, wholly and exclusively to the objects for which it is established and in a case where more than fifteen per cent of its income is accumulated on or after the 1st day of April, 2002, the period of the accumulation of the amount exceeding fifteen per cent of its income shall in no case exceed five years;

(ii) The Institution will not invest or deposit its fund (other than voluntary contributions and maintained in the form of jewellery, furniture, etc.) for any period during the previous years relevant to the

assessment years mentioned above otherwise than in any one or more of the forms or modes specified in Sub-section (5) of the Section 11;

- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the Institution and separate books of account are maintained in respect of such business;
- (iv) the Institution will regularly file its return of income before the Income Tax authority in accordance with the provisions of the Income Tax Act, 1961;
- (v) that in the event of dissolution of the Institution, its surplus and the assets will be given to an organization with similar objectives.

This notification is applicable only to the recipients of income on behalf of the Institution and not to any other receipt or income of such recipients. Taxability or, otherwise of the income of the Institution would be separately considered as per the provisions of the Income Tax Act, 1961.

[Notification No. 312/2006/F. No. 197/98/2006-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 7 नवम्बर, 2006

(सं. सं. 4784)

का.आ. 4785.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उप-खंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा यह अधिसूचित करती है कि "नेशनल ह्यूमन राइट्स कमिशन, नई दिल्ली" (इसके बाद "संस्था" कहा गया है) की ओर से किसी व्यक्ति द्वारा प्राप्त की गई कोई आय निम्नलिखित शर्तों के अधीन कर निर्धारण वर्ष 2003-2004 से 2005-2006 तक के लिए ऐसे व्यक्ति की सकल आय में कराधेय आय के रूप में शामिल नहीं की जाएगी :

- (i) संस्था अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगी जिनके लिए इसकी स्थापना की गई है तथा उस मामले में जहां इसकी पंद्रह प्रतिशत से अधिक आय अप्रैल, 2002 के पहले दिन में या उसके पश्चात् आय एकत्र की गई है, इसकी आय के संचयन की राशि के पंद्रह प्रतिशत से अधिक होने की अवधि होने की अवधि किसी भी स्थिति में पाँच वर्ष से अधिक नहीं होनी चाहिए ;
- (ii) संस्था उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उप-धारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से अपनी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब

तक कि ऐसा कारोबार संस्था के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;

- (iv) संस्था आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) विघटन की स्थिति में संस्था अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

यह अधिसूचना केवल संस्था की ओर से आय के प्राप्तकर्ता पर ही लागू होगी न कि इस तरह के प्राप्तकर्ता द्वारा किसी अन्य प्राप्ति अथवा आय पर। संस्था की कराधेयता अथवा अन्यथा आय पर, आयकर अधिनियम, 1961 के उपबंधों के अनुसार पृथक रूप से विचार किया जाएगा।

[अधिसूचना सं. 313/2006/फा. सं. 197/95/2006-आयकर नि.-I]
दीपक गर्ग, अवर सचिव

New Delhi, the 7th November, 2006

(INCOME TAX)

S. O. 4785.—In exercise of powers conferred by the sub-clause (iv) of the Clause (23C) of Section 10 of the Income Tax Act, 1961 (43 of 1961), the Central Government hereby notifies that any income received by any person on behalf of “National Human Rights Commission, New Delhi” (hereinafter the “Institution”) shall not be included in the total income of such person as assessable for the Assessment Years 2003-04 to 2005-06, subject to the following conditions :

- (i) the Institution will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established and in a case where more than fifteen per cent of its income is accumulated on or after the 1st day of April, 2002, the period of the accumulation of the amount exceeding fifteen per cent of its income shall in no case exceed five years;
- (ii) the Institution will not invest or deposit its fund (other than voluntary contributions and maintained in the form of jewellery, furniture, etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of the Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the Institution and separate books of account are maintained in respect of such business;
- (iv) the Institution will regularly file its return of income before the Income Tax authority in accordance with the provisions of the Income Tax Act, 1961;
- (v) that in the event of dissolution of the Institution, its surplus and the assets will be given to an organization with similar objectives.

This notification is applicable only to the recipients of income on behalf of the Institution and not to any other receipt or income of such recipients. Taxability or, otherwise of the income of the Institution would be separately considered as per the provisions of the Income Tax Act, 1961.

[Notification No. 313/2006/F. No. 197/95/2006-ITA.-1]

DEEPAK GARG, Under Secy.

नई दिल्ली, 14 नवम्बर, 2006

(आयकर)

क्र.आ. 4786.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा यह अधिसूचित करती है कि “श्री कृष्ण जन्मस्थान सेवा संस्थान, कटरा केशव देव, मथुरा” (इसके बाद “संस्था” कहा गया है) की ओर से किसी व्यक्ति द्वारा प्राप्त की गई कोई आय निम्नलिखित शर्तों के अधीन कर निर्धारण वर्ष 2005-06 से 2007-2008 तक के लिए ऐसे व्यक्ति की सकल आय में कराधेय आय के रूप में शामिल नहीं की जाएगी :

- (i) संस्था अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगी जिनके लिए इसकी स्थापना की गई है तथा उस मामले में जहां इसकी पंद्रह प्रतिशत से अधिक आय अप्रैल, 2002 के पहले दिन में या उसके पश्चात् आय एकत्र की गई है, इसकी आय के संचयन की राशि के पंद्रह प्रतिशत से अधिक होने की अवधि किसी भी स्थिति में पाँच वर्ष से अधिक नहीं होनी चाहिए;
- (ii) संस्था उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उप-धारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से अपनी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसी कारोबार संस्था के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;
- (iv) संस्था आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) विघटन की स्थिति में संस्था अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

यह अधिसूचना केवल संस्था की ओर से आय के प्राप्तकर्ता पर ही लागू होगी न कि इस तरह के प्राप्तकर्ता द्वारा किसी अन्य प्राप्ति अथवा आय पर। संस्था की कराधेयता अथवा अन्यथा आय पर,

आयकर अधिनियम, 1961 के उपबंधों के अनुसार पृथक रूप से विचार किया जाएगा।

[अधिसूचना सं. 317/2006/फा. सं. 197/120/2005-आयकर नि.-1]

दीपक गर्ग, अवर सचिव

New Delhi, the 14th November, 2006

(INCOME TAX)

S. O. 4786.—In exercise of powers conferred by the sub-clause (v) of the Clause (23C) of Section 10 of the Income Tax Act, 1961 (43 of 1961), the Central Government hereby notifies that any income received by any person on behalf of “Sri Krishna Janmasthan Seva Sanshan, Katra Keshv Dev, Mathura” (hereinafter the “Institution”) shall not be included in the total income of such person as assessable for the Assessment Years 2005-06 to 2007-08, subject to the following conditions :

(i) the Institution will apply its income, or accumulate for application, wholly of exclusively to the objects for which it is established and in a case where more than fifteen per cent of its income is accumulated on or after the 1st day of April, 2002, the period of the accumulated of the amount exceeding fifteen per cent of its income shall in no case exceed five years;

(ii) the Institution will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture, etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of the Section 11;

(iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the Institution and separate books of account are maintained in respect of such business;

(iv) the Institution will regularly file its return of income before the Income Tax authority in accordance with the provisions of the Income Tax Act, 1961;

(v) that in the event of dissolution of the Institution, its surplus and the assets will be given to an organization with similar objectives.

This notification is applicable only to the recipients of income on behalf of the Institution and not to any other receipt or income of such recipients. Taxability or, otherwise of the income of the Institution would be separately considered as per the provisions of the Income Tax Act, 1961.

[Notification No. 317/2006/F. No. 197/120/2005-ITA.-1]

DEEPAK GARG, Under Secy.

नई दिल्ली, 14 नवम्बर, 2006

(आयकर)

का.आ. 4787.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उप-खंड (iv) द्वारा प्रदत्त शक्तियों

का प्रयोग करते हुए केन्द्र सरकार एतद्द्वारा यह अधिसूचित करती है कि “नेशनल इंस्टीट्यूट ऑफ बैंक मैनेजमेंट, मुम्बई” (इसके बाद “संस्था” कहा गया है) की ओर से किसी व्यक्ति द्वारा प्राप्त की गई कोई आय निम्नलिखित शर्तों के अधीन कर निर्धारण वर्ष 2005-06 से 2007-08 तक के लिए ऐसे व्यक्ति की सकल आय में कराधेय आय के रूप में शामिल नहीं की जाएगी :

(i) संस्था अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगी जिनके लिए इसकी स्थापना की गई है तथा उस मामले में जहां इसकी पंद्रह प्रतिशत से अधिक आय अप्रैल, 2002 के पहले दिन में या उसके पश्चात् आय एकत्र की गई है, इसकी आय के संचयन की राशि के पंद्रह प्रतिशत से अधिक होने की अवधि किसी भी स्थिति में पांच वर्ष से अधिक नहीं होनी चाहिए ;

(ii) संस्था उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उप-धारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से अपनी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करेगा;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगा, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसी कारोबार संस्था के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हो;

(iv) संस्था आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आय कर प्राधिकारी के समक्ष फाइल करेगा;

(v) विघटन की स्थिति में संस्था अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएगी।

यह अधिसूचना केवल संस्था की ओर से आय के प्राप्तकर्ता पर ही लागू होगी न कि इस तरह के प्राप्तकर्ता द्वारा किसी अन्य प्राप्ति अथवा आय पर। संस्था की कराधेयता अथवा अन्यथा आय पर, आयकर अधिनियम, 1961 के उपबंधों के अनुसार पृथक रूप से विचार किया जाएगा।

[अधिसूचना सं. 318/2006/फा. सं. 197/121/2005-आयकर नि.-1]

दीपक गर्ग, अवर सचिव

New Delhi, the 14th November, 2006

(INCOME TAX)

S. O. 4787.—In exercise of powers conferred by the sub-clause (iv) of the Clause (23C) of Section 10 of the Income Tax Act, 1961 (43 of 1961), the Central Government hereby notifies that any income received by any person on behalf of “National Institute of Bank Management, Mumbai” (hereinafter the “Institution”) shall not be

included in the total income of such person as assessable for the Assessment Years 2006-07 to 2008-09, subject to the following conditions :

- (i) the Institution will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established and in a case where more than fifteen per cent of its income is accumulated on or after the 1st day of April, 2002, the period of the accumulation of the amount exceeding fifteen per cent of its income shall in no case exceed five years;
- (ii) the Institution will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture, etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in Sub-section (5) of the Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the Institution and separate books of account are maintained in respect of such business;
- (iv) the Institution will regularly file its return of income before the Income Tax authority in accordance with the provisions of the Income Tax Act, 1961;
- (v) that in the event of dissolution of the Institution, its surplus and the assets will be given to an organization with similar objectives.

The notification is applicable only to the recipients of income on behalf of the Institution and not to any other receipt or income of such recipients. Taxability or, otherwise of the income of the Institution would be separately considered as per the provisions of the Income Tax Act, 1961.

[Notification No. 318/2006/F. No. 197/121/2005-ITA.-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 21 नवम्बर, 2006

(आयकर)

का.आ. 4788.—आयकर अधिनियम, 1961 (1961 का 43) को धारा 10 के खंड (23ग) के उपखंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा यह अधिसूचित करती है कि “मार थोमा सीरियन चर्च ऑफ मालाबार, तिरुवल्ला” (इसके बाद “संस्था” कहा गया है) की ओर से किसी व्यक्ति द्वारा प्राप्त की गई कोई आय निम्नलिखित शर्तों के अधीन कर निर्धारण वर्ष 2007-2008 से 2009-2010 तक के लिए ऐसे व्यक्ति की सकल आय में कराधेय आय के रूप में शामिल नहीं की जाएगी :

- (i) संस्था अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगी जिनके लिए इसकी स्थापना की

गई है तथा उस मामले में जहाँ इसकी पंद्रह प्रतिशत से अधिक आय 1 अप्रैल, 2002 के पहले दिन को या उसके पश्चात् एकत्र की गई है, इसकी आय के संचयन की राशि के पंद्रह प्रतिशत से अधिक होने की अवधि किसी भी स्थिति में पाँच वर्ष से अधिक नहीं होनी चाहिए ;

- (ii) संस्था उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से अपनी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगी अथवा उसे जमा नहीं करेगी;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार संस्था के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएँ नहीं रखी जाती हो;
- (iv) संस्था आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आय कर प्राधिकारी के समक्ष फाइल करेगी;
- (v) विघटन की स्थिति में संस्था की अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले किसी संगठन को दे दी जाएगी।

यह अधिसूचना केवल संस्था की ओर से आय के प्राप्तकर्ता पर ही लागू होगी न कि इस तरह के प्राप्तकर्ता द्वारा किसी अन्य प्राप्ति अथवा आय पर। संस्था की कराधेयता अथवा अन्यथा पर, आयकर अधिनियम, 1961 के उपबंधों के अनुसार पृथक रूप से विचार किया जाएगा।

[अधिसूचना सं. 353/2006/फा. सं. 197/112/2006-आयकर नि.-I]

दीपक गर्ग, अवर सचिव

New Delhi, the 21st November, 2006

(INCOMETAX)

S. O. 4788.—In exercise of powers conferred by the sub-clause (v) of the Clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies that any income received by any person on behalf of “Mar Thoma Syrian Church of Malabar, Tiruvalla” (hereinafter the “Institution”) shall not be included in the total income of such person as assessable for the Assessment Years 2007-08 to 2009-2010, subject to the following conditions :

- (i) the Institution will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established and in a case where more than fifteen per cent of its income is accumulated on or after the 1st day of April, 2002, the period of the accumulation of the amount exceeding fifteen per cent of its income shall in no case exceed five years;
- (ii) the Institution will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture, etc.)

for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of the section 11;

- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the Institution and separate books of account are maintained in respect of such business;
- (iv) the Institution will regularly file its return of income before the Income Tax authority in accordance with the provisions of the Income Tax Act, 1961;
- (v) that in the event of dissolution of the Institution, its surplus and the assets will be given to an organization with similar objectives.

This notification is applicable only to the recipients of income on behalf of the Institution and not to any other receipt or income of such recipients. Taxability or, otherwise of the income of the Institution would be separately considered as per the provisions of the Income Tax Act, 1961.

[Notification No. 353/2006/F. No. 197/112/2006-ITA.-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 21 नवम्बर, 2006

(आयकर)

का.आ. 4789.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा यह अधिसूचित करती है कि “दि चर्च ऑफ साऊथ इंडिया ट्रस्ट एसोसिएशन, चेन्नई” (इसके बाद “संस्था” कहा गया है) की ओर से किसी व्यक्ति द्वारा प्राप्त की गई कोई आय निम्नलिखित शर्तों के अधीन कर निर्धारण वर्ष 2007-08 से 2009-2010 तक के लिए ऐसे व्यक्ति की सकल आय में कराधेय आय के रूप में शामिल नहीं की जाएगी :

- (i) संस्था अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगी जिनके लिए इसकी स्थापना की गई है तथा उस मामले में जहाँ इसकी पंद्रह प्रतिशत से अधिक आय 1 अप्रैल, 2002 के पहले दिन को या उसके पश्चात् एकत्र की गई है, इसकी आय के संचयन की राशि के पंद्रह प्रतिशत से अधिक होने की अवधि किसी भी स्थिति में पाँच वर्ष से अधिक नहीं होनी चाहिए ;
- (ii) संस्था उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से अपनी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगी अथवा उसे जमा नहीं करेगी;

- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार संस्था के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएँ नहीं रखी जाती हो;
- (iv) संस्था आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आय कर प्राधिकारी के समक्ष दाखिल करेगी;
- (v) विघटन की स्थिति में संस्था अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएगी।

यह अधिसूचना केवल संस्था की ओर से आय के प्राप्तकर्ता पर ही लागू होगी न कि इस तरह के प्राप्तकर्ता द्वारा किसी अन्य प्राप्ति अथवा आय पर संस्था के आय की कराधेयता अथवा अन्यथा पर, आयकर अधिनियम, 1961 के उपबंधों के अनुसार पृथक् रूप से विचार किया जाएगा।

[अधिसूचना सं. 354/2006/फा. सं. 197/113/2006-आयकर नि.-I]

दीपक गर्ग, अवर सचिव

New Delhi, the 21st November, 2006

(INCOME TAX)

S. O. 4789.—In exercise of powers conferred by the sub-clause (v) of the Clause (23C) of Section 10 of the Income Tax Act, 1961 (43 of 1961), the Central Government hereby notifies that any income received by any person on behalf of “The Church of South India Trust Association, Chennai” (hereinafter the “Institution”) shall not be included in the total income of such person as assessable for the Assessment Years 2007-08 to 2009-2010, subject to the following conditions :

- (i) the Institution will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established and in a case where more than fifteen per cent of its income is accumulated on or after the 1st day of April, 2002, the period of the accumulation of the amount exceeding fifteen per cent of its income shall in no case exceed five years;
- (ii) the Institution will not invest or deposit its fund (other than voluntary contribution received and maintained in the form of jewellery, furniture, etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in Sub-section (5) of the Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the Institution and separate books of account are maintained in respect of such business;
- (iv) the Institution will regularly file its return of income before the Income tax authority in accordance with the provisions of the Income Tax Act, 1961;

- (v) that in the event of dissolution of the Institution, its surplus and the assets will be given to an organization with similar objectives.

This notification is applicable only to the recipients of income on behalf of the Institution and not to any other receipt or income of such recipients. Taxability or, otherwise of the income tax of the Institution would be separately considered as per the provisions of the Income Tax Act, 1961.

[Notification No. 354/2006/F. No. 197/113/2006-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 22 नवम्बर, 2006

(आयकर)

का.आ. 4790.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उप-खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा यह अधिसूचित करती है कि “दि टेम्पल्स, चेरिटेबल इंस्टीट्यूशन्स एंड फंड्स ऑफ दि गौड सारस्वत ब्राह्मण कम्युनिटी ऑफ बॉम्बे, मुम्बई” (इसके बाद “संस्था”) के नाम पर प्राप्त की गई कोई आय निम्नलिखित शर्तों के अधीन कर निर्धारण वर्ष 2005-06 से 2007-08 तक के लिए ऐसे व्यक्ति की कुल आय में कराधेय आय के रूप में शामिल नहीं की जाएगी :

- (i) संस्था अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगी जिनके लिए इसकी स्थापना की गई है तथा उस मामले में जहाँ इसकी पंद्रह प्रतिशत से अधिक आय अप्रैल, 2002 के पहले दिन में या उसके पश्चात् आय एकत्र की गई है, इसकी आय के संचयन की राशि के पंद्रह प्रतिशत से अधिक होने की अवधि किसी भी स्थिति में पाँच वर्ष से अधिक नहीं होनी चाहिए;
- (ii) संस्था उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उप-धारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से अपनी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करेगी;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार संस्था के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएँ नहीं रखी जाती हो;
- (iv) संस्था आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आय कर प्राधिकारी के समक्ष फाइल करेगा;
- (v) विघटन की स्थिति में संस्था अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

यह अधिसूचना केवल संस्था की ओर से आय के प्राप्तकर्ता पर ही लागू होगी न कि इस तरह के प्राप्तकर्ता द्वारा किसी प्राप्ति अथवा आय पर संस्था की कराधेयता अथवा अन्यथा आय पर, आयकर अधिनियम, 1961 के उपबंधों के अनुसार पृथक रूप से विचार किया जाएगा।

[अधिसूचना सं. 355/2006/फा. सं. 197/33/2006-आयकर नि.-1]

दीपक गर्ग, अवर सचिव

New Delhi, the 22nd November, 2006

(INCOME TAX)

S. O. 4790.—In exercise of powers conferred by the sub-clause (v) of the Clause (23C) of Section 10 of the Income Tax Act, 1961 (43 of 1961), the Central Government hereby notifies that any income received by any person on behalf of “The Temples, Charitable Institutions and Funds of the Goud Saraswat Brahman Community of Bombay, Mumbai” (hereinafter the “Institution”) shall not be included in the total income of such person as assessable for the Assessment Years 2005-06 to 2007-08, subject to the following conditions :

- (i) the Institution will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established and in a case where more than fifteen per cent of its income is accumulated on or after the 1st day of April, 2002, the period of the accumulation of the amount exceeding fifteen per cent of its income shall in no case exceed five years;
- (ii) the Institution will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture, etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in Sub-section (5) of the Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the Institution and separate books of account are maintained in respect of such business;
- (iv) the Institution will regularly file its return of income before the Income Tax authority in accordance with the provisions of the Income Tax Act, 1961;
- (v) that in the event of dissolution of the Institution, its surplus and the assets will be given to an organization with similar objectives.

The notification is applicable only to the recipients of income on behalf of the Institution and not to any other receipt or income of such recipients. Taxability or, otherwise of the income tax of the Institution would be separately considered as per the provisions of the Income Tax Act, 1961.

[Notification No. 355/2006/F. No. 197/33/2006-ITA-I]

DEEPAK GARG, Under Secy.

(आयकर)

नई दिल्ली, 23 नवम्बर, 2006

का.आ. 4791.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उप-खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा यह अधिसूचित करती है कि "श्री ब्रमरम्बा मल्लिकार्जुन स्वामीवारी देवस्थानम्, श्रीशैलम्, जिला करनूल, आन्ध्र प्रदेश (इसके बाद "संस्था" कहा गया है) की ओर से किसी व्यक्ति द्वारा प्राप्त की गई कोई आय निम्नलिखित शर्तों के अधीन कर निर्धारण वर्ष 2002-03 से 2004-05 तक के लिए ऐसे व्यक्ति की सकल आय में कराधेय आय के रूप में शामिल नहीं की जाएगी :

- (i) संस्था अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगी जिनके लिए इसकी स्थापना की गई है तथा उस मामले में जहाँ इसकी पंद्रह प्रतिशत से अधिक आय 1 अप्रैल, 2002 के पहले दिन को या उसके पश्चात् एकत्र की गई है, इसकी आय के संचयन की राशि के पंद्रह प्रतिशत से अधिक होने की अवधि किसी भी स्थिति में पाँच वर्ष से अधिक नहीं होनी चाहिए ;
- (ii) संस्था उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उप-धारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से अपनी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वेच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करेगी ;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार संस्था के उद्देश्यों की प्राप्ति के लिए प्राणिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएँ नहीं रखी जाती हो ;
- (iv) संस्था आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आय कर प्राधिकारी के समक्ष दाखिल करेगी ;
- (v) विपटन की स्थिति में संस्था की अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएगी।

यह अधिसूचना केवल संस्था की ओर से आय के प्राप्तकर्ता पर ही लागू होगी न कि इस तरह के प्राप्तकर्ता द्वारा किसी अन्य प्राप्ति अथवा आय पर। संस्था की कराधेयता अथवा अन्यथा आय पर, आयकर अधिनियम, 1961 के उपबंधों के अनुसार पृथक् रूप से विचार किया जाएगा।

[अधिसूचना सं. 356/2006/फा. सं. 197/74/2006-आयकर नि.-I]

दीपक गर्ग, अवर सचिव

New Delhi, the 23rd November, 2006

(INCOMETAX)

S.O. 4791.—In exercise of powers conferred by the sub-clause (v) of the Clause (23C) of Section 10 of the

Income-Tax Act, 1961 (43 of 1961), the Central Government hereby notifies that any income received by any person on behalf of "Sri Bramaramba Mallikarjuna Swamyvari Devasthanam, Srisaifam, District Kurnool, A.P." (hereinafter the "Institution") shall not be included in the total income of such person as assessable for the Assessment Years 2002-03 to 2004-05, subject to the following conditions :

- (i) the Institution will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established and in a case where more than fifteen per cent of its income is accumulated on or after the 1st day of April, 2002, the period of the accumulation of the amount exceeding fifteen per cent of its income shall in no case exceed five years;
- (ii) the Institution will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture, etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of the Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the Institution and separate books of account are maintained in respect of such business;
- (iv) the Institution will regularly file its return of income before the Income Tax authority in accordance with the provisions of the Income Tax Act, 1961;
- (v) that in the event of dissolution of the Institution, its surplus and the assets will be given to an organization with similar objectives.

The notification is applicable only to the recipients of income on behalf of the Institution and not to any other receipt or income of such recipients. Taxability or, otherwise of the income tax of the Institution would be separately considered as per the provisions of the Income Tax Act, 1961.

[Notification No. 356/2006/F. No. 197/74/2006-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 30 नवम्बर, 2006

(आयकर)

का.आ. 4792.—सर्वसाधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा आयकर नियमावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उप-धारा (1) के खंड (ii) के प्रयोजनार्थ दिनांक 1-4-2006 से 31-3-2009 तक की अवधि के लिए विजन रिसर्च फाउंडेशन, चैन्नई को 'वैज्ञानिक अनुसंधान संघ' श्रेणी के अधीन अनुमोदित किया गया है :-

- (i) अनुमोदित संगठन अपने अनुसंधान कार्य-कलापों के लिए अलग खाते रखेगा ।
- (ii) वित्तीय वर्षों के प्रत्येक वित्त वर्ष के लिए जिसके लिए यह अनुमोदन प्रदान किया जा रहा है, अनुमोदित संगठन अनुसंधान कार्य-कलापों के संबंध में लेखा परीक्षित आय एवं व्यय खाते की एक प्रति इसके क्षेत्राधिकार वाले आयकर आयुक्त/आयकर निदेशक (छूट) को आयकर विवरणी दाखिल करने की नियत तारीख को अथवा उससे पहले अथवा इस अधिसूचना की तारीख से 90 दिनों के अन्दर, जो भी बाद में समाप्त हो, प्रस्तुत करेगा, जिसके लिए इसे आयकर अधिनियम, 1961 की धारा 35 की उप-धारा (1) के अन्तर्गत अनुमोदन प्रदान किया गया है ।

(iii) वित्तीय अनुमोदिन संगठन उपयुक्त पैरा (ii) में उल्लिखित आय तथा व्यय खाते के साथ लेखा परीक्षक से प्राप्त एक प्रमाण-पत्र भी संलग्न करेगा :-

(क) जिसमें संगठन द्वारा वैज्ञानिक अनुसंधान के लिए प्राप्त की गई उस राशि का उल्लेख किया गया हो, जिसके लिए दानकर्ता धारा 35 (1)(ii) के अन्तर्गत कटौती का दावा करने के लिए पात्र हैं ।

(ख) जिसमें यह प्रमाणित किया हो कि किया गया व्यय वैज्ञानिक अनुसंधान के लिए ही था ।

[अधिसूचना सं. 359/2006/फा. सं. 203/45/2006-आ.क.नि.-II]

रेनू जौहरी, निदेशक (आयकर नि. II)

New Delhi, the 30th November, 2006

(INCOME TAX)

S. O. 4792.—It is hereby notified for general information that the organization Vision Research Foundation, Chennai has been approved by the Central Government for the purpose of clause (ii) of Sub-section (1) of Section 35 of the Income Tax Act, 1961, read with Rule 6 of the Income Tax Rules, 1962 for the period from 01-04-2006 to 31-03-2009 under the category 'scientific research association' subject to the following conditions :-

- (i) The approved Organisation shall maintain separate accounts for its research activities.
- (ii) For each of the financial years for which this approval is being given, the approved organization shall submit a copy of its audited Income & Expenditure account in respect of the research activities for which it has been approved under sub-section (1) of Section 35 of I.T. Act, 1961 to the Commissioner of Income Tax/Director of Income Tax (Exemptions) having jurisdiction, on or before the due date of filing of return of income or within 90 days from the date of this notification, whichever expires later.
- (iii) The organization shall also enclose with the Income & Expenditure account referred to in (ii) above, a certificate from the auditor :-

(a) specifying the amount received by the organization for scientific research in respect of which the donors are eligible to claim deduction under Section 35 (1) (ii).

(b) certifying that the expenditure incurred was for scientific research.

[Notification No. 359/2006/F. No. 203/45/2006-ITA-II]

RENU JAUHRI, Director

नई दिल्ली, 30 नवम्बर, 2006

(आयकर)

क्र.आ. 4793.—सर्वसाधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा आयकर नियमावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उप-धारा (1) के खण्ड (ii) के प्रयोजनार्थ 'अभ्य संस्था' की श्रेणी के अन्तर्गत दिनांक 1-4-2004 से 31-3-2007 तक की अवधि के लिए मैसर्स दि फाउंडेशन फॉर मेडिकल रिसर्च, मुम्बई (और न कि अनुसंधान के लिए एक मात्र मौजूद 'वैज्ञानिक अनुसंधान संघ' के रूप में है) को जो अर्थात: अनुसंधान कार्य-कलापों में कार्यरत है, को निम्नलिखित शर्तों के अधीन अनुमोदित किया गया है :-

(i) अनुमोदित संगठन अपने अनुसंधान कार्य-कलापों के लिए अलग खाते रखेगा ।

(ii) वित्तीय वर्षों के प्रत्येक वित्त वर्ष के लिए जिसके लिए यह अनुमोदन प्रदान किया जा रहा है, अनुमोदित संगठन अनुसंधान कार्य-कलापों के संबंध में लेखा परीक्षित आय एवं व्यय खाते की एक प्रति इसके क्षेत्राधिकार वाले आयकर आयुक्त/आयकर निदेशक (छूट) को आयकर विवरणी दाखिल करने की नियत तारीख को अथवा उससे पहले अथवा इस अधिसूचना की तारीख से 90 दिनों के अन्दर, जो भी बाद में समाप्त हो, प्रस्तुत करेगा, जिसके लिए इसे आयकर अधिनियम, 1961 की धारा 35 की उप-धारा (1) के अन्तर्गत अनुमोदन प्रदान किया गया है ।

(iii) अनुमोदित संगठन उपयुक्त पैरा (ii) में उल्लिखित आय तथा व्यय खाते के साथ लेखा परीक्षक से प्राप्त एक प्रमाण-पत्र भी संलग्न करेगा :-

(क) जिसमें संगठन द्वारा वैज्ञानिक अनुसंधान के लिए प्राप्त की गई उस राशि का उल्लेख किया गया हो, जिसके लिए दानकर्ता धारा 35(1)(ii) के अन्तर्गत कटौती का दावा करने के लिए पात्र हैं ।

(ख) जिसमें यह प्रमाणित किया गया हो कि किया गया व्यय वैज्ञानिक अनुसंधान के लिए ही था ।

[अधिसूचना सं. 361/2006/फा. सं. 203/62/2004-आ.क.नि.-II]

रेनू जौहरी, निदेशक

New Delhi, the 30th November, 2006

(INCOME-TAX)

S.O. 4793.—It is hereby notified for general information that the organization M/s. The Foundation for Medical Research, Mumbai has been approved by the Central Government for the purpose of clause (ii) of Sub-section (1) of Section 35 of the Income-tax Act, 1961, read with Rule 6 of the Income-tax Rules, 1962 for the period from 01-04-2004 to 31-03-2007 under the category 'other institution' partly engaged in research activities (and not as a 'scientific research association' existing solely for research) subject to the following conditions :—

- (i) The approved organization shall maintain separate accounts for its research activities.
- (ii) For each of the financial years for which this approval is being given, the approved organization shall submit a copy of its audited Income & Expenditure account in respect of the research activities for which it has been approved under Sub-section (1) of Section 35 of I.T. Act, 1961 to the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction, on or before the due date of filing of return of income or within 90 days from the date of this notification whichever expires later.
- (iii) The approved organization shall also enclose with the Income & Expenditure account referred to in (ii) above, a certificate from the auditor :—
 - (a) specifying the amount received by the organization for scientific research in respect of which the donors are eligible to claim deduction under Section 35(1)(ii).
 - (b) certifying that the expenditure incurred was for scientific research.

[Notification No. 361/2006/F.No. 203/62/2004-ITA-II]

RENU JAUHRI, Director (ITA-II)

नई दिल्ली, 30 नवम्बर, 2006

(आयकर)

का.आ. 4794.—सर्वसाधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा आयकर नियमावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उप-धारा (1) के खण्ड (ii) के प्रयोजनार्थ 'अन्य संस्था' की श्रेणी के अन्तर्गत दिनांक 1-4-2005 से 31-3-2008 तक की अवधि के लिए फ्लूइड कंट्रोल रिसर्च इंस्टीट्यूट, कांजीकोड वेस्ट, पालक्काड-678623 जो अंशतः अनुसंधान कार्य-कलापों में कार्यरत है, को निम्नलिखित शर्तों के अधीन अनुमोदित किया गया है :—

- (i) अनुमोदित संगठन अपने अनुसंधान कार्य-कलापों के लिए अलग खाते रखेगा।
- (ii) वित्तीय वर्षों के प्रत्येक वित्त वर्ष के लिए जिसके लिए यह अनुमोदन प्रदान किया जा रहा है, अनुमोदित संगठन

अनुसंधान कार्य-कलापों के संबंध में लेखा परीक्षित आय एवं व्यय खाते की एक प्रति इसके क्षेत्राधिकार वाले आयकर आयुक्त/आयकर निदेशक (छूट) को आयकर विवरणी दाखिल करने की नियत तारीख को अथवा उससे पहले अथवा इस अधिसूचना की तारीख से 90 दिनों के अन्दर, जो भी बाद में समाप्त हो, प्रस्तुत करेगा, जिसके लिए इसे आयकर अधिनियम, 1961 की धारा 35 की उप-धारा (1) के अन्तर्गत अनुमोदन प्रदान किया गया है।

(iii) अनुमोदित संगठन उपर्युक्त पैरा (ii) में उल्लिखित आय तथा व्यय खाते के साथ लेखा परीक्षक से प्राप्त एक प्रमाण-पत्र भी संलग्न करेगा :—

(क) जिसमें संगठन द्वारा वैज्ञानिक अनुसंधान के लिए प्राप्त की गई उस राशि का उल्लेख किया गया हो, जिसके लिए दानकर्ता धारा 35 की उप-धारा (1) के खंड (ii) के अन्तर्गत कटौती का दावा करने के लिए पात्र हैं।

(ख) जिसमें यह प्रमाणित किया गया हो कि किया गया व्यय वैज्ञानिक अनुसंधान के लिए ही था।

[अधिसूचना सं. 360/2006/फा. सं. 203/24/2006-आ.क.नि.-II]

रेनु जौहरी, निदेशक, (आयकर नि.-II)

New Delhi, the 30th November, 2006

INCOME TAX

S.O. 4794.—It is hereby notified for general information that the organization Fluid Control Research Institute, Kanjikode West, Palakkad-678623 has been approved by the Central Government for the purpose of clause (ii) of Sub-section (1) of Section 35 of the Income Tax Act, 1961, read with Rule 6 of the Income Tax Rules, 1962 for the period from 01-04-2005 to 31-03-2008 under the category 'other institution' partly engaged in research activities subject to the following conditions :—

- (i) The approved organization shall maintain separate accounts for its research activities.
- (ii) For each of the financial years for which this approval is being given, the approved organization shall submit a copy of its audited Income & Expenditure account in respect of the research activities for which it has been approved under Sub-section (1) of Section 35 of I.T. Act, 1961 to the Commissioner of Income Tax/Director of Income Tax (Exemptions) having jurisdiction, on or before the due date of filing of return of income or within 90 days from the date of this notification, whichever expires later.
- (iii) The approved organization shall also enclose with the Income & Expenditure account referred to in paragraph (ii) above, a certificate from the auditor :—

- (a) specifying the amount received by the organization for scientific research in respect of which the donors are eligible to claim deduction under clause (ii) of sub-section (1) of Section 35.
- (b) certifying that the expenditure incurred was for scientific research.

[Notification No. 360/2006/F. No. 203/24/2006-ITA-II]

RENU JAUHRI, Director (I.T.A.-II)

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 6 दिसम्बर, 2006

का.आ. 4795.—राष्ट्रीयकृत बैंक (प्रबन्ध एवं प्रकीर्ण उपबन्ध) स्कीम, 1970/1980 के खण्ड (3) के उप-खण्ड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा (3) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री मुकुल सिंघल, संयुक्त सचिव, राजस्व विभाग, वित्त मंत्रालय, नार्थ ब्लॉक, नई दिल्ली को तत्काल प्रभाव से और अगले आदेशों तक, श्री वी. के. भसीन के स्थान पर कॉर्पोरेशन बैंक के निदेशक मण्डल में निदेशक के रूप में नामित करती है।

[फा. सं. 9/11/2004-बीओ-1]

जी. बी. सिंह, उपसचिव

(DEPARTMENT OF ECONOMIC AFFAIRS)

(BANKING DIVISION)

New Delhi, the 6th December, 2006

S.O. 4795.—In exercise of the powers conferred by Clause (b) of Sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980, read with Sub-clause (1) of Clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, hereby nominates Shri Mukul Singhal, Joint Secretary, Ministry of Finance, Department of Revenue, North Block, New Delhi as a Director on the Board of Directors of Corporation Bank with immediate effect and until further orders vice Shri V. K. Bhasin.

[F. No. 9/11/2004-BO-I]

G. B. SINGH, Dy. Secy.

विज्ञान और प्रौद्योगिकी मंत्रालय

(विज्ञान और प्रौद्योगिकी विभाग)

नई दिल्ली, 1 दिसम्बर, 2006

का.आ. 4796.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में विज्ञान और प्रौद्योगिकी मंत्रालय के प्रशासनिक नियंत्रणाधीन स्वायत्तशासी संस्थान राष्ट्रीय परीक्षण और अंशशोधन प्रयोगशाला प्रत्यायन बोर्ड (एन.ए.बी.एल.), नई दिल्ली को, जिनके 80% कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

[फा. सं. 11028/1/2005-(रा.भा.)]

नीलाम्बर पाण्डेय, संयुक्त निदेशक (रा.भा.)

MINISTRY OF SCIENCE AND TECHNOLOGY

(Department of Science and Technology)

New Delhi, the 1st December, 2006

S.O. 4796.—In pursuance of Sub-rule (4) of Rule 10 of the Official Language (Use for official purposes of the Union) Rules, 1976, the Central Government hereby notifies National Accreditation Board for Testing and Calibration Laboratories (NABL), Delhi an autonomous institution under the Administrative Control of Ministry of Science and Technology, 80% staff whereof have acquired the working knowledge of Hindi.

[F. No. 11028/1/2005 (OL)]

NILAMBAR PANDEY, Jt. Director (OL)

संचार और सूचना प्रौद्योगिकी मंत्रालय

(दूर संचार विभाग)

(राजभाषा अनुभाग)

नई दिल्ली, 1 दिसम्बर, 2006

का.आ.4797.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 (यथा संशोधित 1987) के नियम 10(4) के अनुसरण में संचार और सूचना प्रौद्योगिकी मंत्रालय, दूरसंचार विभाग के प्रशासनिक नियंत्रणाधीन निम्नलिखित कार्यालय को, जिसमें 80% से अधिक कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, एतद्वारा अधिसूचित करती है।

महाप्रबंधक दूरसंचार, भारत संचार निगम लिमिटेड, सर विश्वेश्वरैया मार्ग, नासिक-422002 नासिक दूरसंचार जिला, नासिक

[सं. ई-11016/1/2005-(रा.भा.)]

संयुक्ता अर्जुना, निदेशक (रा.भा.)

MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY

(Department of Telecommunications)

(OFFICIAL LANGUAGE SECTION)

New Delhi, the 1st December, 2006

S.O. 4797.—In pursuance of Rule 10(4) of the Official Language (Use for official purposes of the Union) Rules, 1976 (as amended 1987), the Central Government hereby notifies the following Office under the administrative control of Ministry of Communications and Information Technology, Department of Telecommunications whereof more than 80% of staff have acquired working knowledge of Hindi.

General Manager Telecom, BSNL, Sir Vishveshvaraya Marg, Nasik-422002

Nasik Telecom District Nasik

[No. E. 11016/1/2005 (O.L.)]

SANYUKTA ARJUNA, Director (O.L.)

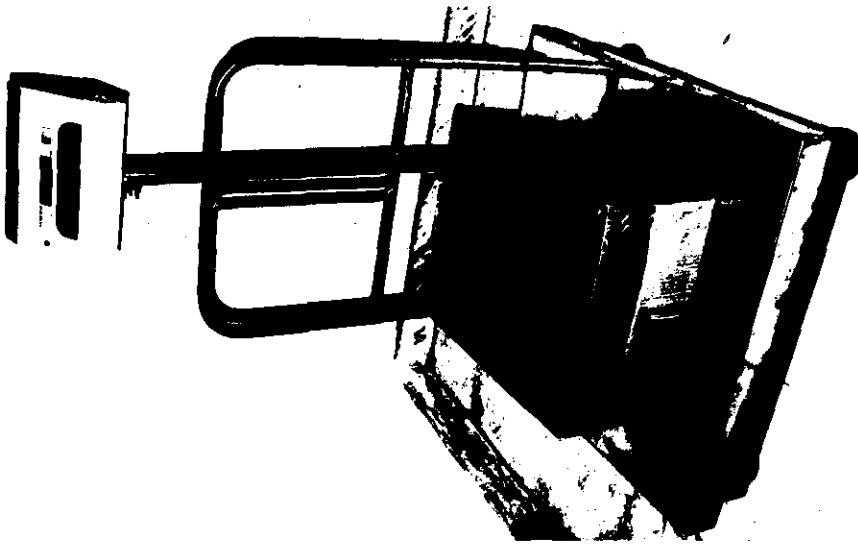
उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

नई दिल्ली, 10 अक्टूबर, 2006

का. आ. 4798.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स समुराई टेक्नोवे (इंडिया), नं. 61/4, ठाकुरवारा, माता के मन्दिर के पास, ओल्ड फरीदाबाद-121 002, हरियाणा द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “एस टी आई पी” शृंखला के अंकक सूचन सहित स्वतःसूचक, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम “समुराई” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/451 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा और मॉडल को बेचने से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तन/परिवर्धन नहीं किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(148)/2006]

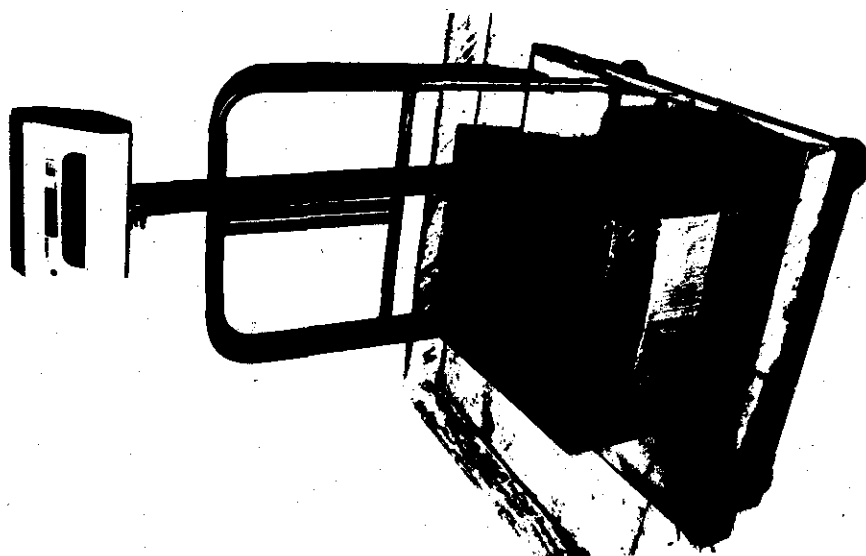
आर. माधुरबूधम, निदेशक, विधिक माप विज्ञान

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION**(Department of Consumer Affairs)**

New Delhi, the 10th October, 2006

S.O. 4798.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of medium accuracy (Accuracy class III) of series "STIP" with brand name "SAMURAI" (herein referred to as the said model), manufactured by M/s. Samurai Technoweigh (India), No. 61/4, Thakurwara, Near Mata Ka Mandir, Old Faridabad-121 002, Haryana and which is assigned the approval mark IND/09/06/451;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000 kg. and minimum capacity of 2 kg. The verification scale interval (e) is 100g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc., before or after sale.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg. and up to 5000 kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where 'k' is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

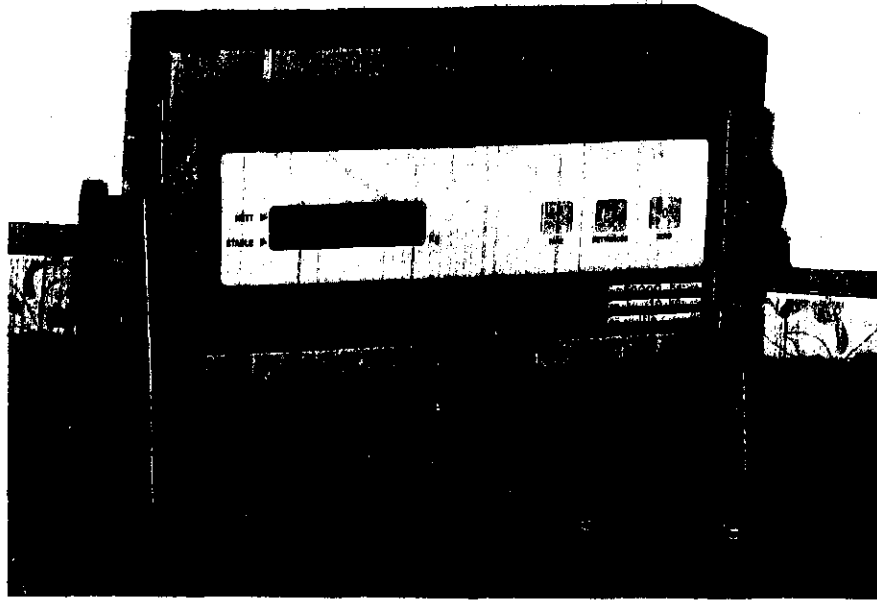
[F. No. WM-21(148)/2006]

R. MATHURBHOTHAM, Director of Legal Metrology

नई दिल्ली, 17 अक्टूबर, 2006

का. आ. 4799.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स वे-ट्रोनिक सिस्टम्स, नं. 479-बी, अविनाशी रोड, नियर सुगुना कल्याण मन्दापम, पीलामेडु, कोयम्बटूर-641 004, तमिल नाडु द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "डब्ल्यू टी एस-डब्ल्यू बी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (वे ब्रिज प्रकार) के मॉडल का, जिसके ब्रांड का नाम "वे-ट्रोनिक्स" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/488 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल अंकक सूचन सहित विकृति गेज प्रकार का भार सेल आधारित अस्वचालित (वे ब्रिज प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 50 टन और न्यूनतम क्षमता 200 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 10 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा और मॉडल को बेचने से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तन/परिवर्धन नहीं किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन माप मान (एन) अंतराल सहित 5 टन से अधिक और 100 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

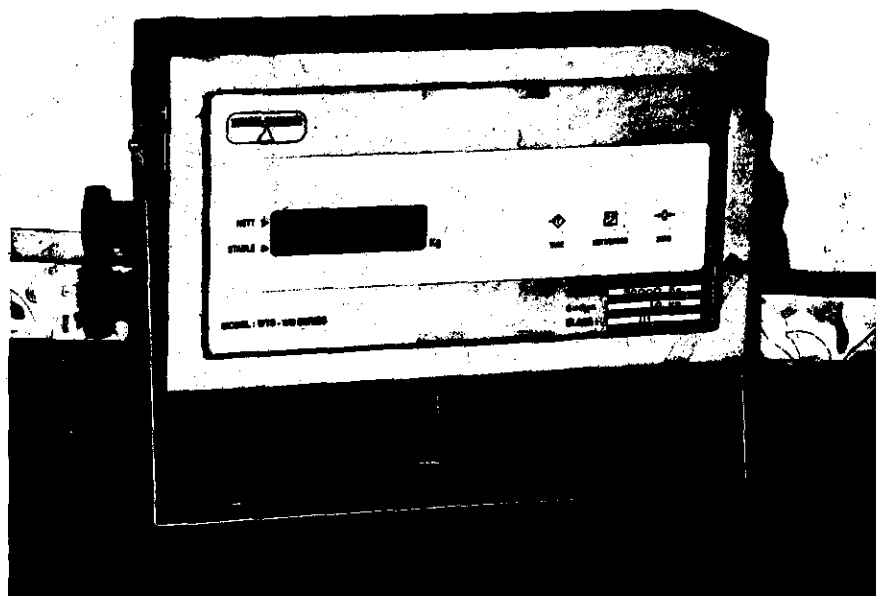
[फा. सं. डब्ल्यू एम-21(173)/2006]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th October, 2006

S.O. 4799.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Weighbridge Type) with digital indication of medium accuracy (Accuracy class III) of series "WTS-WB" and with brand name "WEIGH-TRONICS" (hereinafter referred to as the said model), manufactured by M/s. Weigh-Tronic Systems, No. 479B, Avinashi Road, Near Suguna Kalyana Mandapam, Peelamedu, Coimbatore-641 004, Tamil Nadu and which is assigned the approval mark IND/09/06/488;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Weighbridge type) with a maximum capacity of 50 tonne and minimum capacity of 200 kg. The verification scale interval (e) is 10 kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc., before or after sale.

Further, in exercise of the power conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 100 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

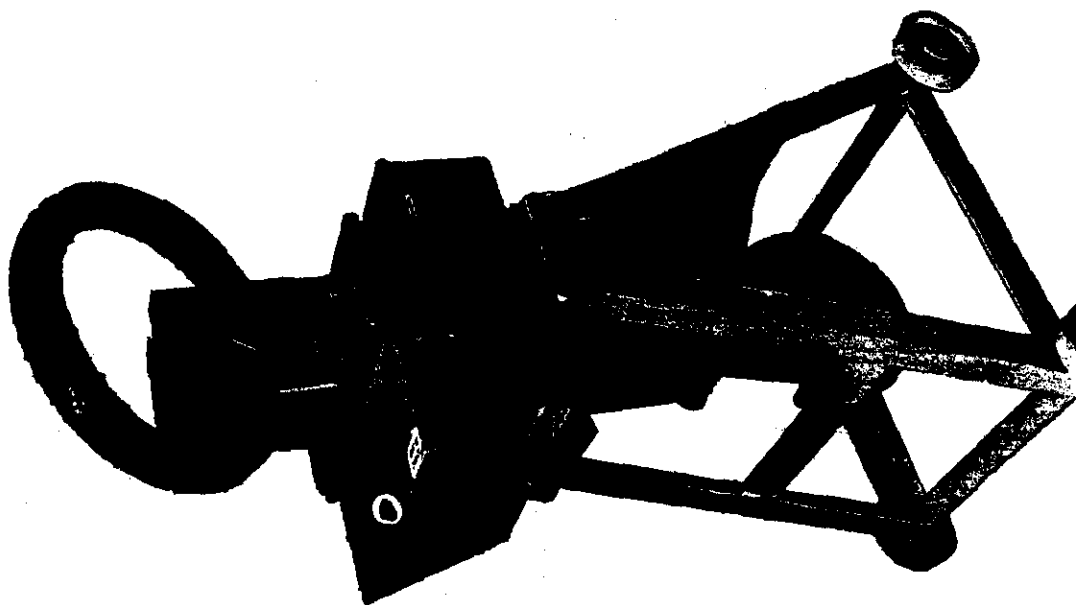
[F. No. WM-21(173)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 17 अक्टूबर, 2006

का.आ. 4800.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स मास फेब (इंडिया) प्राइवेट लिमिटेड, 99/1, प्रथम मेन रोड, शोशाद्रीपुरम, बेंगलूर-560 020, कर्नाटक द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एम एफ-सी आर एन" शृंखला के अंकक सूचन सहित स्वतःसूचक, अस्वचालित तोलन उपकरण (क्रेन प्रकार) के मॉडल का, जिसके ब्रांड का नाम "मासफेब" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/485 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (क्रेन प्रकार) है। इसकी अधिकतम क्षमता 2000 कि.ग्रा. और न्यूनतम क्षमता 10 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 500 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका उक्त प्रतिशत व्ययकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 240 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा और मॉडल को बेचने से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तन/परिवर्धन नहीं किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य से समतुल्य हैं।

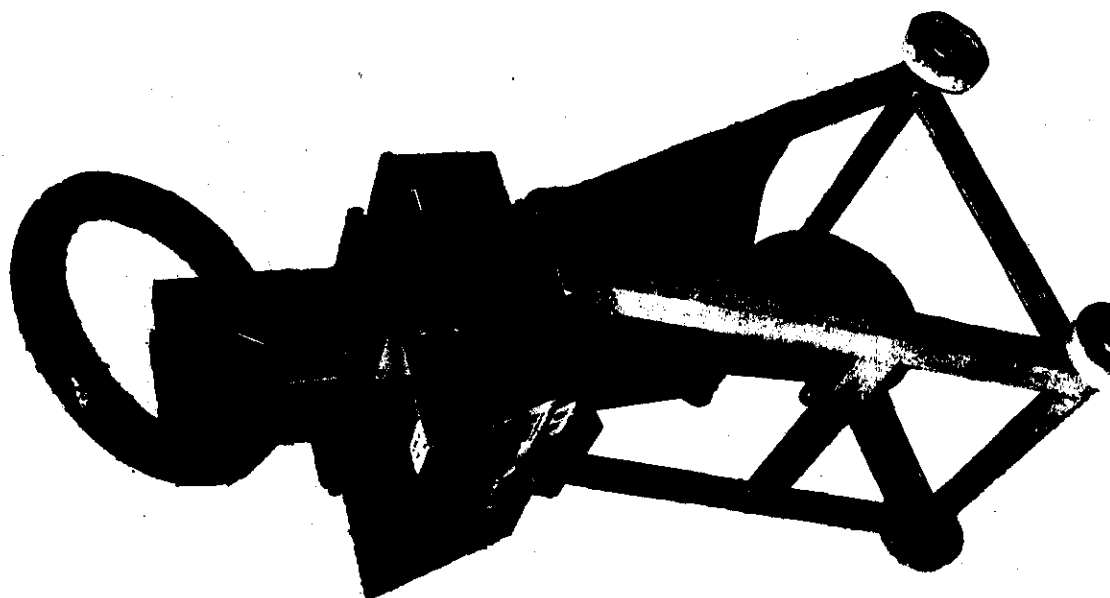
[फा. सं. डब्ल्यू एम-21(171)/2006]

आर. माधुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th October, 2006

S.O. 4800.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) (hereinafter referred to as the said Act) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic weighing instrument (Crane type) with digital indication of "MF-CRN" series of medium accuracy (Accuracy class III) and with brand name "MASSFAB" (herein referred to as the said model), manufactured by M/s. Mass Fab (India) Private Limited, 99/1, 1st Main Road, Seshadripuram, Bangalore-560 020, Karnataka and which is assigned the approval mark IND/09/06/485;



The said Model is a strain gauge type load cell principle based non-automatic weighing instrument (Crane type) with a maximum capacity of 2000kg. and minimum capacity of 10kg. The verification scale interval (e) is 500g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.

In addition to sealing the stamping plate sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc., before or after sale.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity above 50kg. and up to 5000kg. and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k is a positive or negative whole number or equal to zero manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved model has been manufactured.

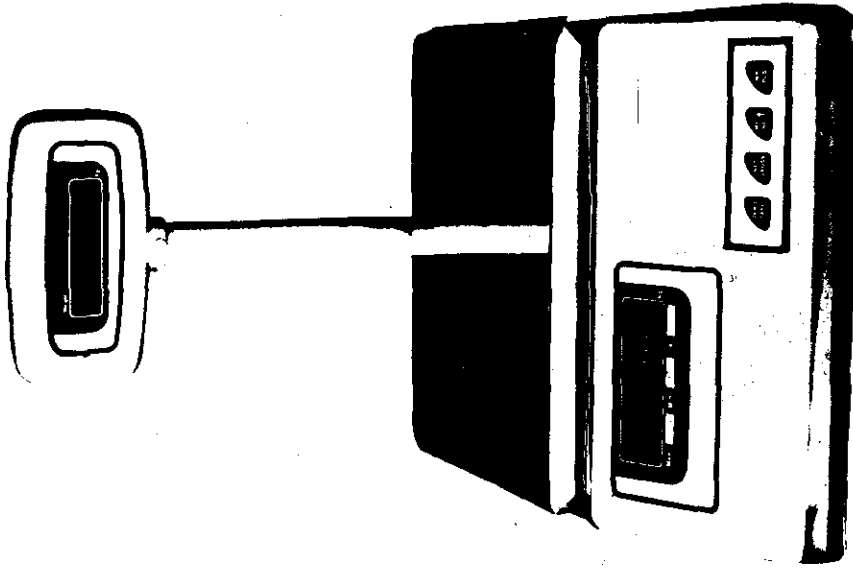
[F. No. WM-21(171)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 30 अक्टूबर, 2006

क्रा. अ. 4801.-केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स वेइंग सोल्यूशन्स एंड इंस्ट्रुमेंटेशन, केबिन नं. 2, 201, शिवलोक हाउस-1, कर्मपुरा कामर्शियल कॉम्प्लेक्स, नई दिल्ली-15 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग II) वाले "एक्स डी" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "गोड्सन" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन विह आई एन डी/09/06/493 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार का) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मशीन मुद्रांकन के अतिरिक्त को कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबन्ध भी किया जाएगा और मॉडल को बेचने से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धान्त आदि की शर्तों पर परिवर्तन/परिवर्धन नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि. ग्रा. तक "ई" मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मानमान अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में मापमान (एन) अंतराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, 'के' हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

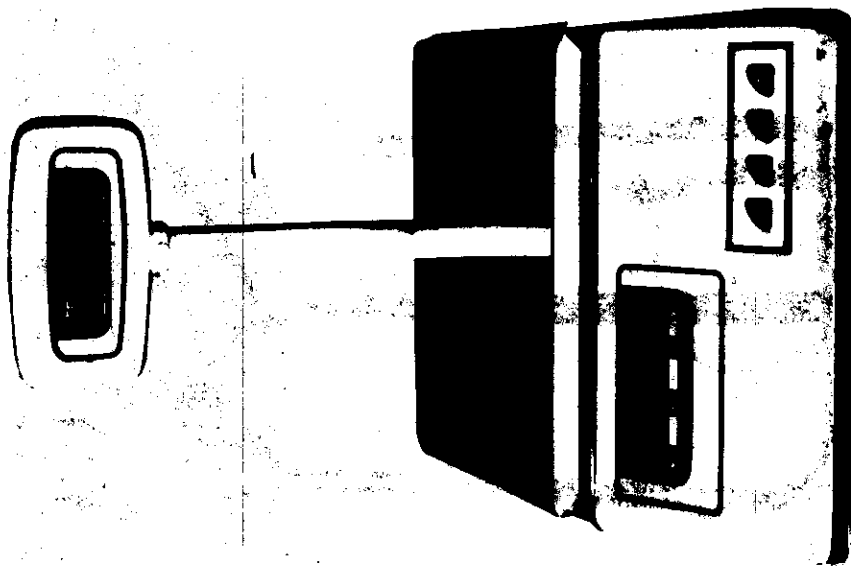
[फा. सं. डब्ल्यू एम-21(189)/2006]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th October, 2006

S.O. 4801.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table Top type) with digital indication of "XD" series of high accuracy (Accuracy class II) and with brand name "GODSUN" (hereinafter referred to as the said Model), manufactured by M/s. Weighing Solutions & Instrumentation, Cabin No. 2, 201, Shivlok House-1, Karampura Commercial Complex, New Delhi-15 and which is assigned the approval mark IND/09/06/493;



The said Model is a strain gauge type load cell based weighing instrument with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (e) is 2 g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply;

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, and performance of same series with maximum capacity up to 50 kg. and with number of verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg. to 50mg. and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg. or more and 'e' value of 1×10^4 , 2×10^4 or 5×10^4 , 'k' being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

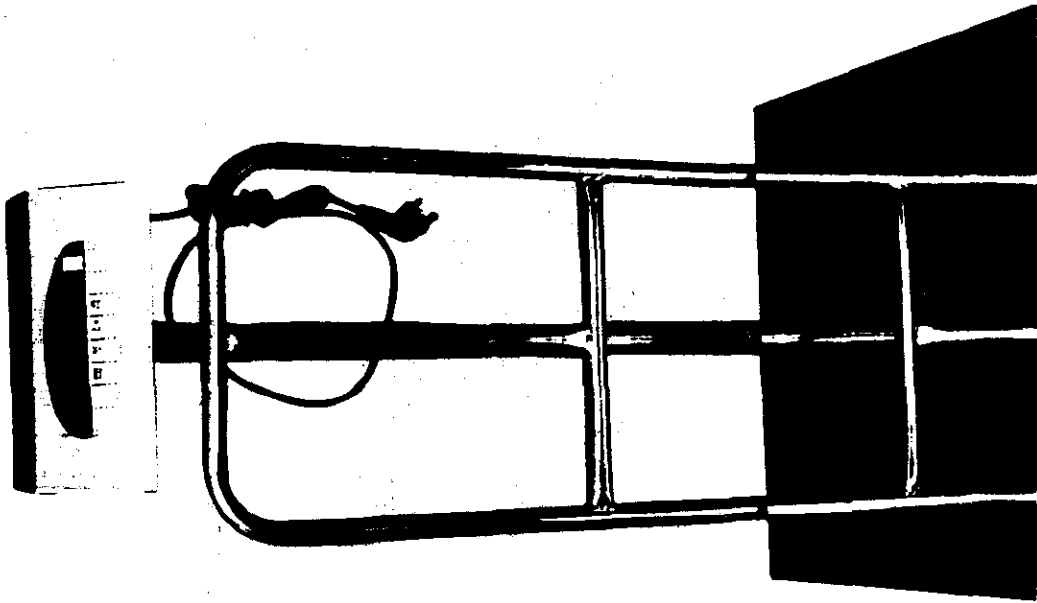
[F. No. WM-21(189)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 30 अक्टूबर, 2006

का.आ. 4802.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स वेइंग सोलुशन्स एंड इंस्ट्रुमेंटेशन, केबिन नं. 2, 201, शिवलोक हाऊस-1, कर्मपुरा कामाक्षीयल काम्पलैक्स, नई दिल्ली-15 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “एक्स आर” शृंखला के अंकक सूचन सहित, स्वतःसूचक, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम “गोड्सन” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/494; समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि. ग्रा. और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल का बेचने से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धान्त आदि की शर्तों पर परिवर्तन/परिवर्धन नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई”-मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$ के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

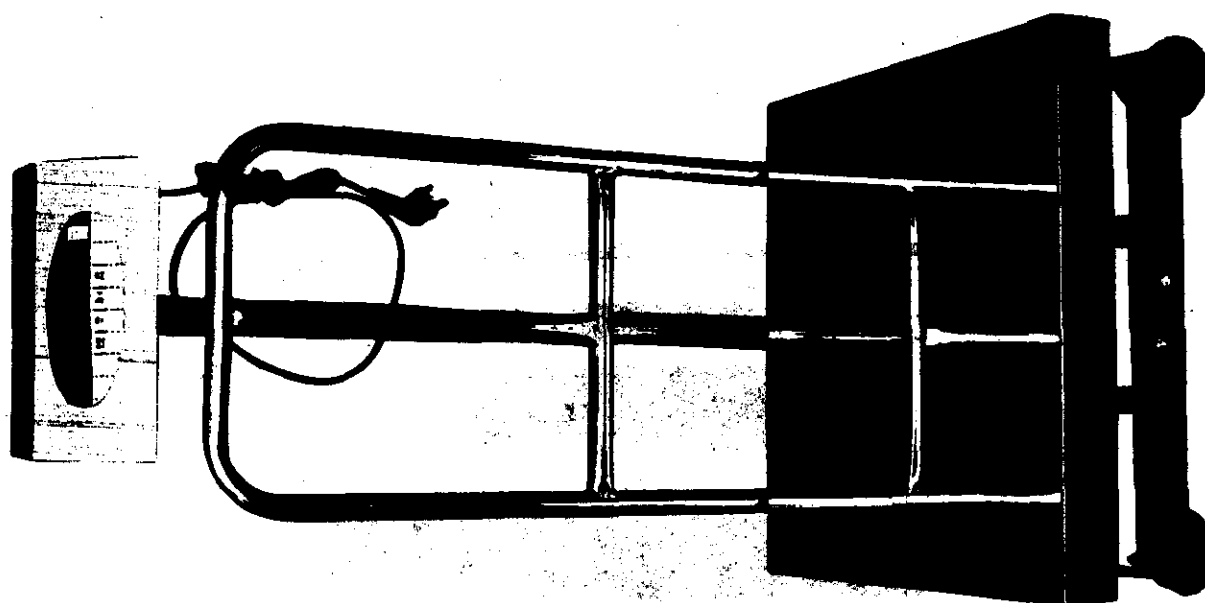
[फा. सं. डब्ल्यू एम-21(189)/2006]

आर. माधुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th October, 2006

S.O. 4802.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of self indicating, non-automatic, (Platform type) weighing instrument with digital indication of "XR" series of medium accuracy (Accuracy class III) and with brand name "GODSUN" (herein referred to as the said Model), manufactured by M/s. Weighing Solutions & Instrumentation, Cabin No. 2, 201, Shivlok House-1, Karampura Commercial Complex, New Delhi-15 and which is assigned the approval mark IND/09/06/494;



The said Model is a strain gauge type load cell based non-automatic weighing instrument with a maximum capacity of 1000 kg. and minimum capacity of 2kg. The verification scale interval (e) is 100g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply;

In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of same series with maximum capacity above 50 kg and upto 5000kg and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

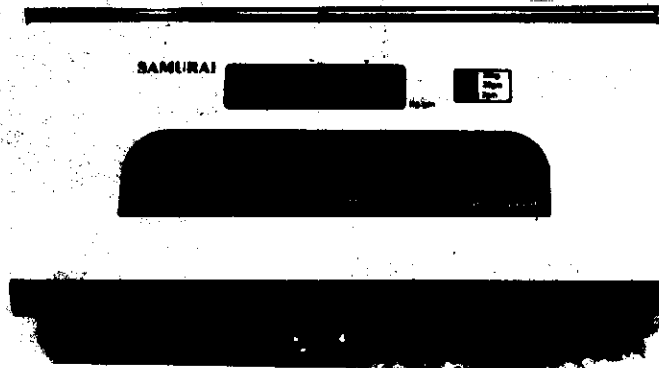
[F. No. WM-21(189)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 30 अक्टूबर, 2006

का. आ. 4803.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स समुराई टेक्नोवे (इंडिया), नं. 61/4, ठाकुरवारा, माता के मन्दिर के पास, ओल्ड फरीदाबाद-121002, हरियाणा द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग II) वाले "एस टी आई टी" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टोप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "समुराई" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/450 समानुद्देशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृत गेज प्रकार का लोड सेल आधारित अस्वचालित (टेबल टोप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बेचने से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धान्त आदि की शर्तों पर परिवर्तन/परिवर्धन नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि.ग्रा. तक "ई" मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में मापमान (एन) अंतराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

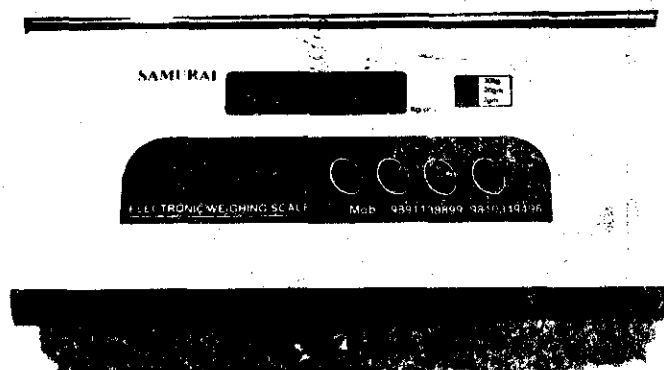
[फा. सं. डब्ल्यू एम-21(148)/2006]

आर. माधुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th October, 2006

S.O. 4803.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table Top type) with digital indication of high accuracy (Accuracy class II) of series "STIT" and with brand name "Sumurai" (hereinafter referred to as the said model), manufactured by M/s. Staurai Technoweigh (India), No. 61/4, Thakurwara, Near Mata Ka Mandir, Old Faridabad-121 002, Haryana and which is assigned the approval mark IND/09/06/450;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table Top type) with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (e) is 2 kg. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternate current power supply;

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50 kg with verification scale interval (n) in the range of 100 to 50000 for 'e' value of 1mg. to 50 mg. and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg. or more and 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

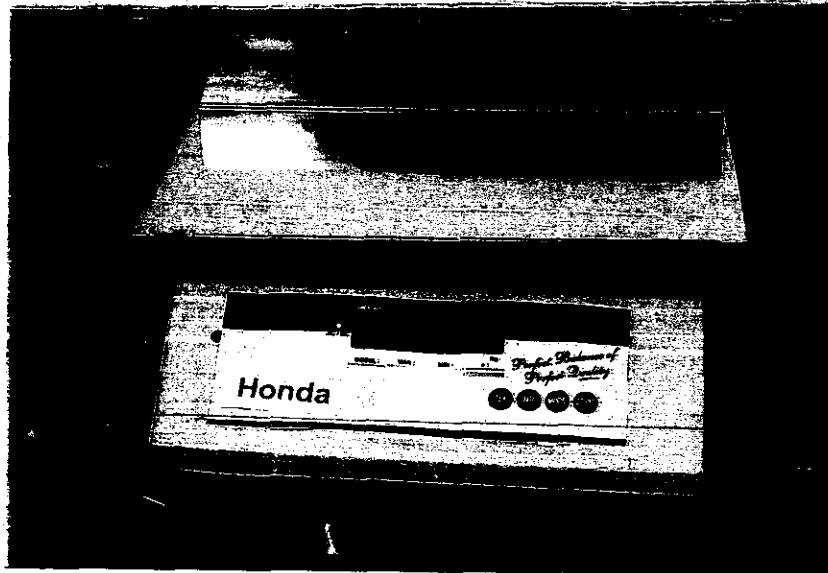
[F. No. WM-21(148)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 31 अक्टूबर, 2006

का.आ. 4804.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स होन्डा वेइंग इंडस्ट्रीज, ह.न. 1293, ब्लाक-बी, गली नं. 37, संत नगर, बुराडी, दिल्ली द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "एच टी टी" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टोप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "होन्डा" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/499 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृत गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (टेबल टोप प्रकार का) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल का बेचने से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धान्त आदि की शर्तों पर परिवर्तन/परिवर्धन नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि.ग्रा. तक "ई" मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में मापमान (एन) अंतराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

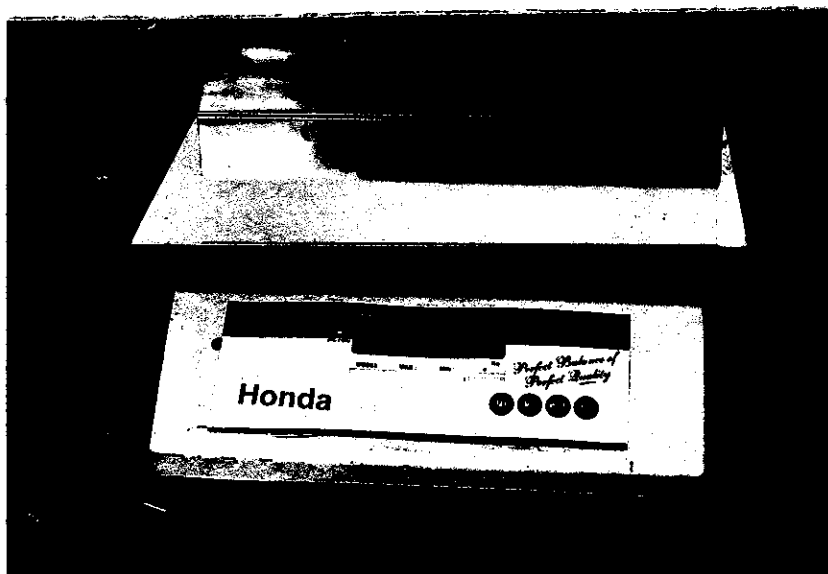
[फा. सं. डब्ल्यू एम-21(183)/2006]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 31st October, 2006

S.O. 4804.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type) with digital indication of high accuracy (Accuracy Class II) of Series "HTT" and with brand name "HONDA" (hereinafter referred to as the said Model), manufactured by M/s. Honda Weighing Industries, H. No. 1293, Block-B, Gali No. 37, Sant Nagar, Buradi, Delhi and which is assigned the approval mark IND/09/06/499;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with digital indication of maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (e) is 2 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply;

In addition to sealing the stamping plate, sealing is done to prevent the opening of machine for fraudulent practices and the said model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity upto 50 kg. and with number of verification scale interval (n) in the range of 100 to 50000 for 'e' value of 1 mg to 50 mg and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100 mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

[F. No. WM-21(183)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 31 अक्टूबर, 2006

का. आ. 4805.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केंद्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स होन्डा वेडिंग इंडस्ट्रीज, ह.न. 1293, ब्लाक-बी, गली नं. 37, संत नगर, बुराडी, दिल्ली द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "एच पी एफ" शृंखला के अंकक सूचन सहित स्वतःसूचक, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "होन्डा" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/500 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करता है।



उक्त मॉडल विकृति-रहित प्रकार का लोड सैल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 2 कि. ग्रा. है। मापणन सम्मान्य अंतराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत अव्यकलनात्मक धारित उपयोग करने पर यह प्रकाश उत्सर्जक प्रदर्शक (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा निरूप प्रदान पर कार्य करता है।

संश्लेषण और दोषोद्धार के अतिरिक्त मशीन को कष्टपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मोडल का दोषमय हो जाने या कार्य करने की सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धान्त आदि की शर्तों पर परिवर्तन/परिवर्धन नहीं किया जाएगा।

और केंद्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के पत्र प्रमाण-पत्र के अंतर्गत उक्त विनिर्मिता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के उस ही मॉडल, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक रेंज में सत्यापन मान अंतराल (एन) सहित 50 कि. ग्रा. से अधिक और 5000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

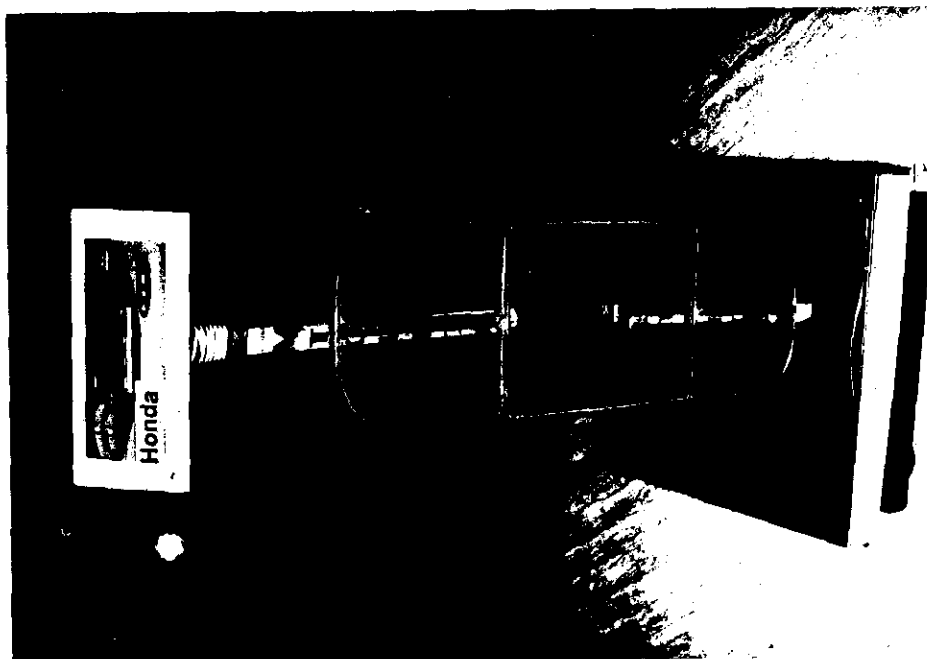
[फा. सं. डब्ल्यू एम-21(183)/2006]

आर. आशुबुध्म, निदेशक, विधिक माप विज्ञान

New Delhi, the 31st October, 2006

S.O. 4805.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of medium accuracy (Accuracy Class III) of Series "HPF" and with brand name "HONDA" (hereinafter referred to as the said model), manufactured by M/s. Honda Weighing Industries, H. No. 1293, Block-B, Gali No. 37, Sant Nagar, Buradi, Delhi and which is assigned the approval mark IND/09/06/500;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with digital indication of maximum capacity of 1000 kg. and minimum capacity of 2kg. The verification scale interval (e) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply;

In addition to sealing the stamping plate, sealing is done to prevent the opening of the machine for fraudulent practices and the said model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity above 50 kg and up to 5000kg and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

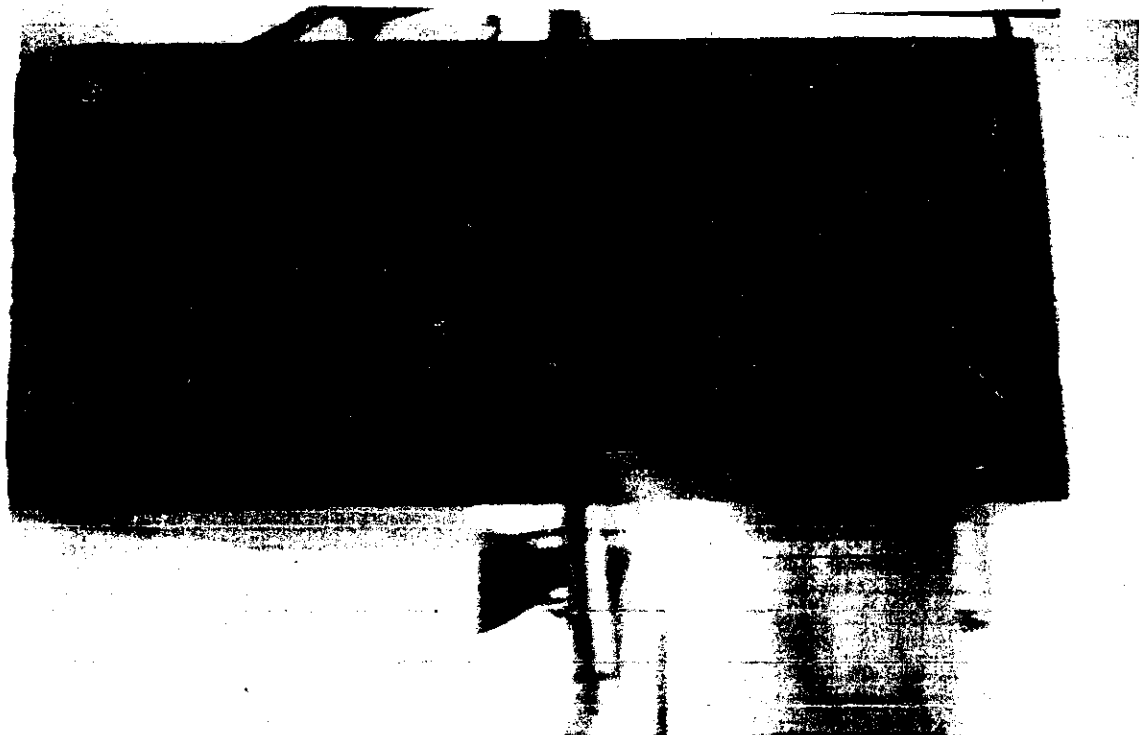
[F. No. WM-21(183)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 10 नवम्बर, 2006

का.आ. 4806.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सूमो डिजिटल इनकापॉरेशन, बाई लेंड नं. 1, नवीन नगर, जनपथ, राजगार रोड, जू रोड, गुवाहाटी-781024 असम द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “एस यू डब्ल्यू” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (तोल सेतु प्रकार) के मॉडल का, जिसके ब्रांड का नाम “सूमो” है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/134 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार का लोड सेल आधारित अस्वचालित (तोल सेतु प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 40,000 कि.ग्रा. और न्यूनतम क्षमता 200 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 10 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 कि.ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 टन से अधिक और 100 टन तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

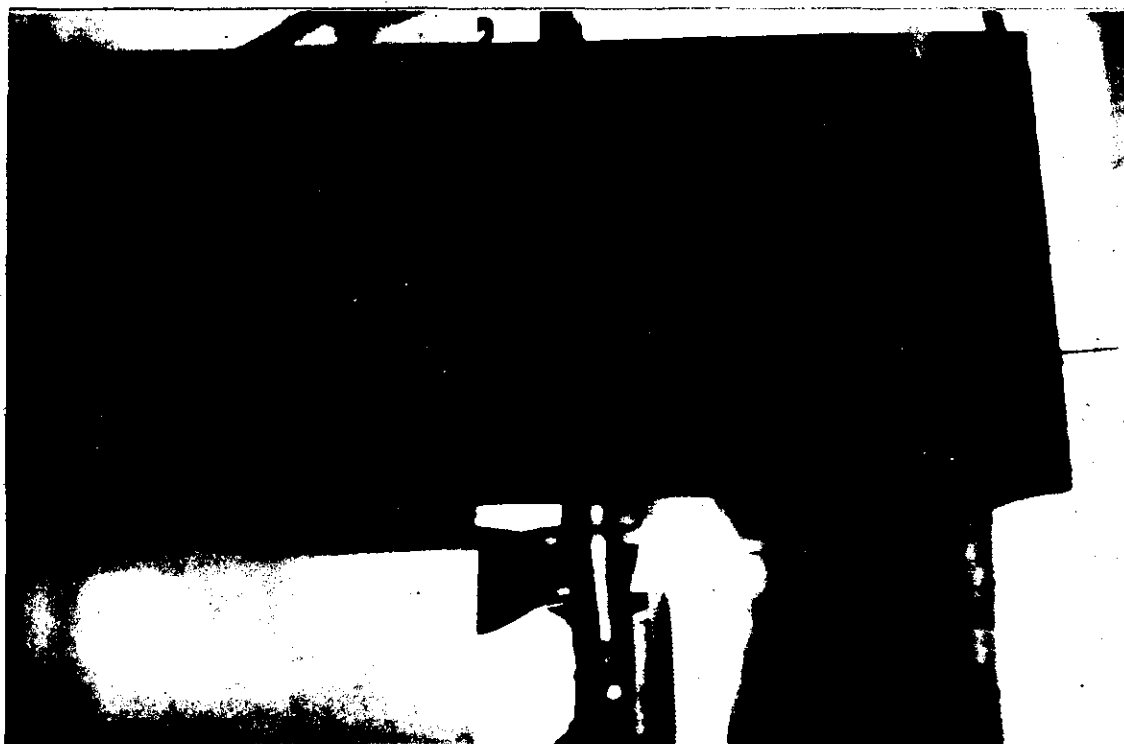
[फा. सं. डब्ल्यू एम-21(258)/2003]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 10th November, 2006

S.O. 4806.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic (Weighbridge type) weighing instrument with digital indication of "SUW" series of medium accuracy (Accuracy Class III) and with brand name "SUMO" (herein referred to as the said model), manufactured by M/s. Sumo Digital Incorporation, Bye Land No. 1, Navin Nagar, Janapath, Rajgar Road, Zoo Road, Guwahati-781024, Assam and which is assigned the approval mark IND/09/05/134;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Weighbridge type) with maximum capacity of 40,000 kg. and minimum capacity of 200 kg. The verification scale interval (e) is 10 kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply;

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 100 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 kg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

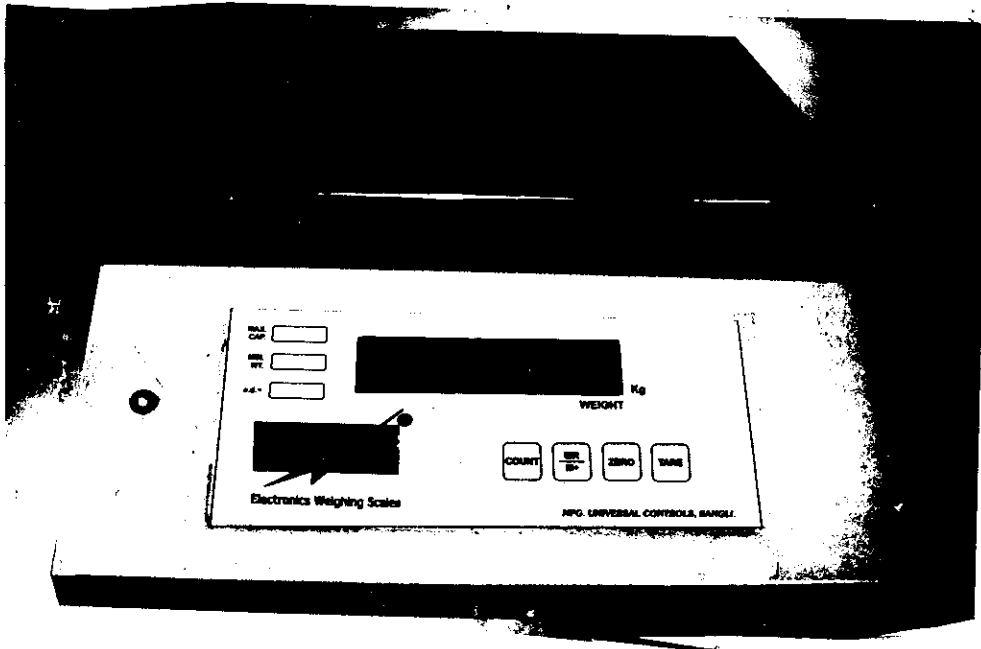
[F.No. WM-21(258)/2003]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 14 नवम्बर, 2006

का.आ. 4807.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स यूनिवर्सल कंट्रोलस, 165, वसन्ताडाडा इंडस्ट्रीयल एस्टेट, सानगली-416 416, महाराष्ट्र द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-II) वाले “यूनिवर्सल-जे पी” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबलटॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “यूनिवर्सल” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/508 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटॉप प्रकार का) है इसकी अधिकतम क्षमता 300 ग्रा. और न्यूनतम क्षमता 200 मि.ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 10 मि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बेचने से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तन/परिवर्धन नहीं किया जायेगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक “ई” मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के “ई” मान के लिए 5000 से 50,000 तक की रेंज में मापमान (एन) अंतराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

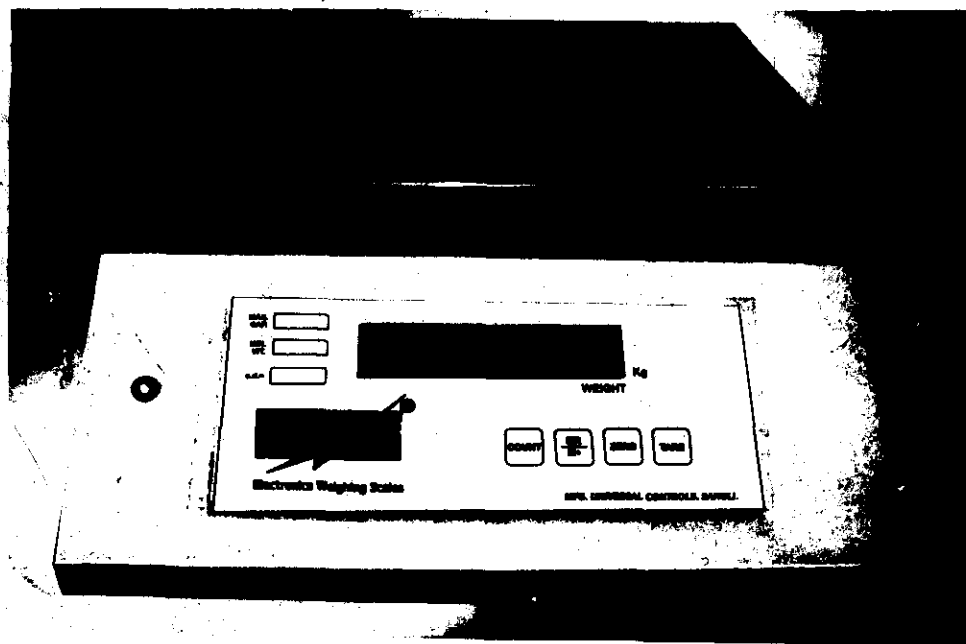
[फा. सं. डब्ल्यू एम-21(121)/2006]

आर. माथुरबूधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th November, 2006

S.O. 4807.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic weighing instrument (Tabletop type) with digital indication "UNICON-JP" series of high accuracy (Accuracy Class-II) and with brand name "UNICON" (hereinafter referred to as the said model), manufactured by M/s. Universal Control, 165, Vasantadada Industrial Estate, Sangli-416 416, Maharashtra and which is assigned the approval mark IND/09/06/508;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Tabletop type) with a maximum accuracy of 300 g and minimum capacity is 200. The verification scale interval (e) is 10 kg. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc., before or after sale.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity above 50 kg. and with number of verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg to 50 mg and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100 mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

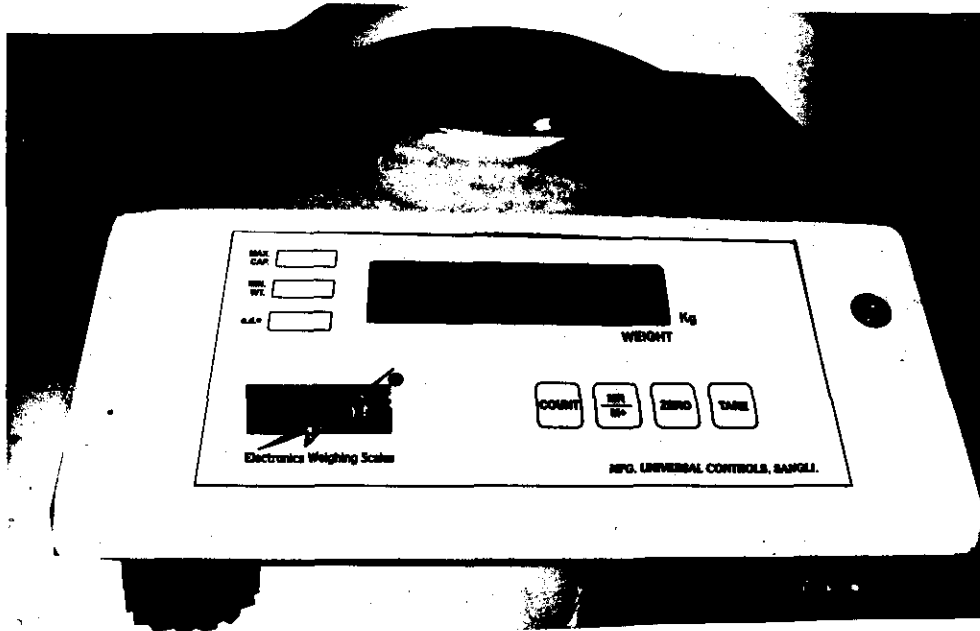
[F.No. WM-21(121)/2006]

R. MATHURBOOTHAM, Director, Legal Metrology

नई दिल्ली, 14 नवम्बर, 2006

का.आ. 4808.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स यूनिवर्सल कंट्रोलर्स, 165, वसन्ताडाडा इंडस्ट्रीयल एस्टेट, सानाली-416 416, महाराष्ट्र द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “यूनिवर्सल-टी बी”, शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबलटॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “यूनिवर्सल” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/509 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (टेबलटॉप प्रकार का) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बेचने से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तन/परिवर्धन नहीं किया जायेगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक “ई” मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में मापमान (एन) अंतराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, * हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

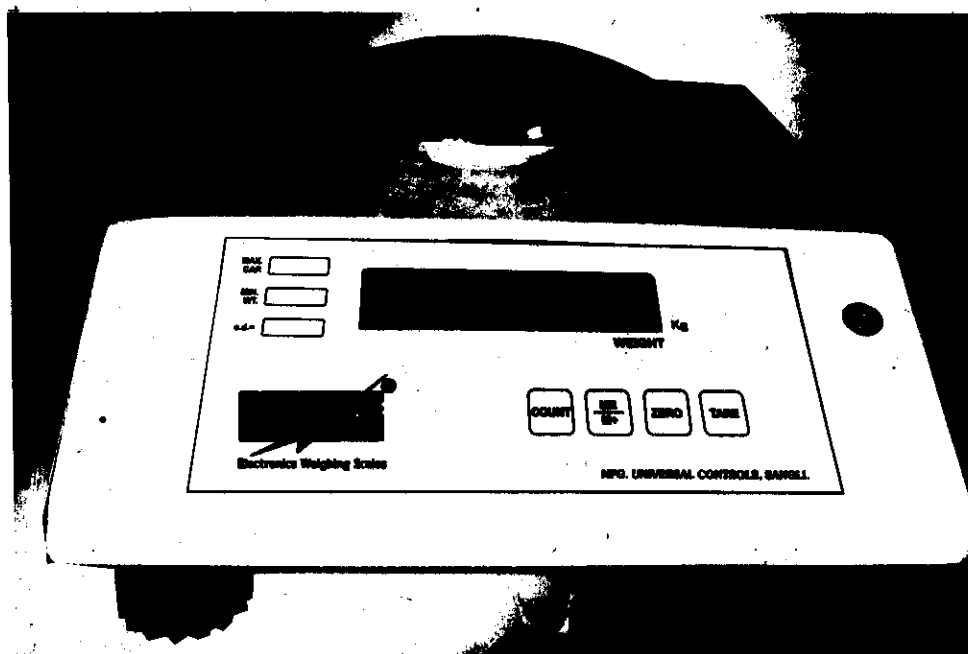
[फा. सं. डब्ल्यू एम-21(121)/2006]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th November, 2006

S.O. 4808.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) (hereinafter referred to as the said Act) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic weighing instrument (Crane type) with digital indication "UNICON-TB" series of medium accuracy (Accuracy class-III) and with brand name "UNICON" (hereinafter referred to as the said model), manufactured by M/s. Universal Control, 165, Vasantadada Industrial Estate, Sangli-416 416, Maharashtra and which is assigned the approval mark IND/09/06/509;



The said Model is a strain gauge type load cell principle based non-automatic weighing instrument (Tabletop type) with a maximum accuracy of 30 kg and minimum capacity is 100 kg. The verification scale interval (e) is 5g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity up to 50 kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg to 2g or with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

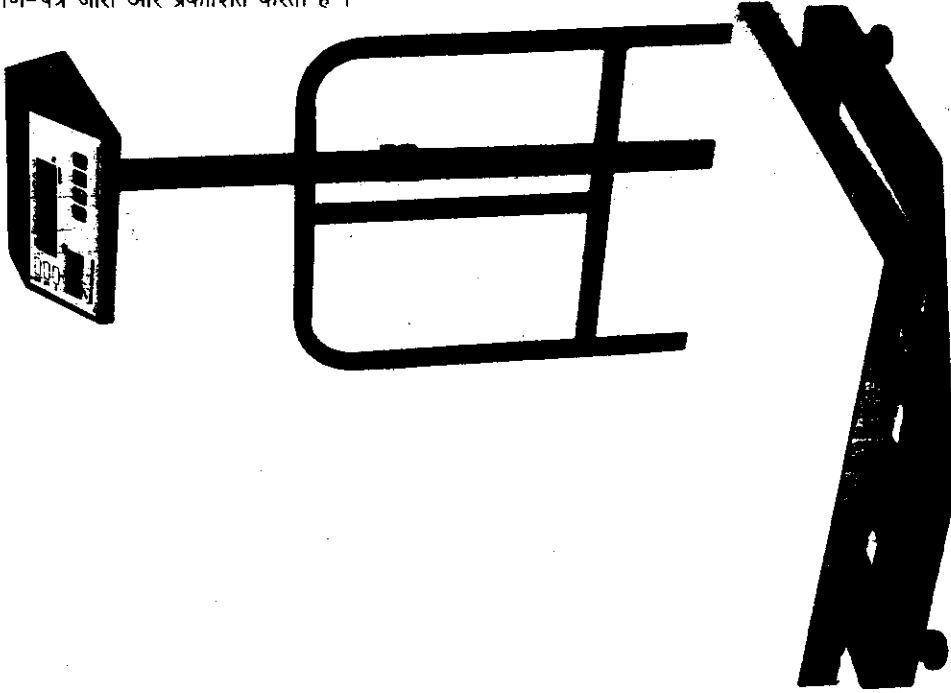
[F.No. WM-21(121)/2006]

R. MATHURBOOTHAM, Director, Legal Metrology

नई दिल्ली, 14 नवम्बर, 2006

का. आ. 4809.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स यूनिवर्सल कंट्रोलस, 165, वसन्ताडाडा इंडस्ट्रीयल एस्टेट, सानाली-416 416, महाराष्ट्र द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "यूनिकोन-पी टी" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "यूनिकोन" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/510 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 150 कि.ग्रा. और न्यूनतम क्षमता 1 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बेचने से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्धित/परिवर्धन नहीं किया जायेगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(121)/2006]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th November, 2006

S.O. 4809.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the self indicating non-automatic (Platform type) weighing instrument with digital indication "UNICON-PT" series of medium accuracy (Accuracy class-III) and with brand name "UNICON" (herein referred to as the said model), manufactured by M/s. Universal Control, 165, Vasantadada Industrial Estate, Sangli-416 416, Maharashtra and which is assigned the approval mark IND/09/06/510;



The said model is a strain gauge type load cell based non-automatic weighing instrument with a maximum capacity is 150 kg. and minimum capacity of 1kg. The verification scale interval (e) is 50g. It has a tare device with 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230Volts, and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of same series with maximum capacity above 50 kg and upto 5000kg and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved model has been manufactured.

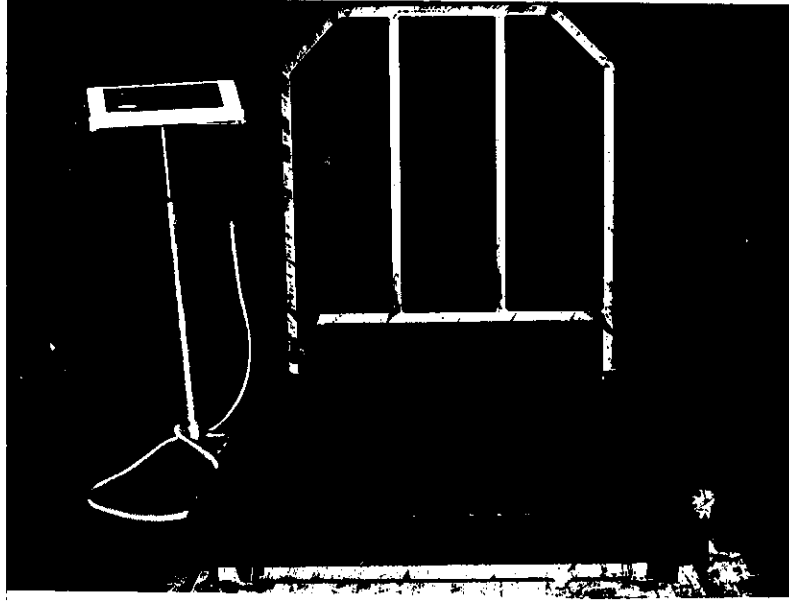
[F. No. WM-21(121)/2006]

R. MATHURBOOTHAM, Director, Legal Metrology

नई दिल्ली, 14 नवम्बर, 2006

का. आ. 4810.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स शिव शक्ति डीजिटल स्केल इंडस्ट्रीज 8-ए, धानुका, काम्पलेक्स, अठगांव, गुवाहाटी-781 001, असम द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “एस एस पी” शृंखला के अंकक सूचन सहित, स्वतःसूचक अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम “शिव शक्ति” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/1099 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृत गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 1500 कि.ग्रा. और न्यूनतम क्षमता 10 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 500 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्धित/परिवर्धन नहीं किया जायेगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन सहित 50 कि.ग्रा. से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

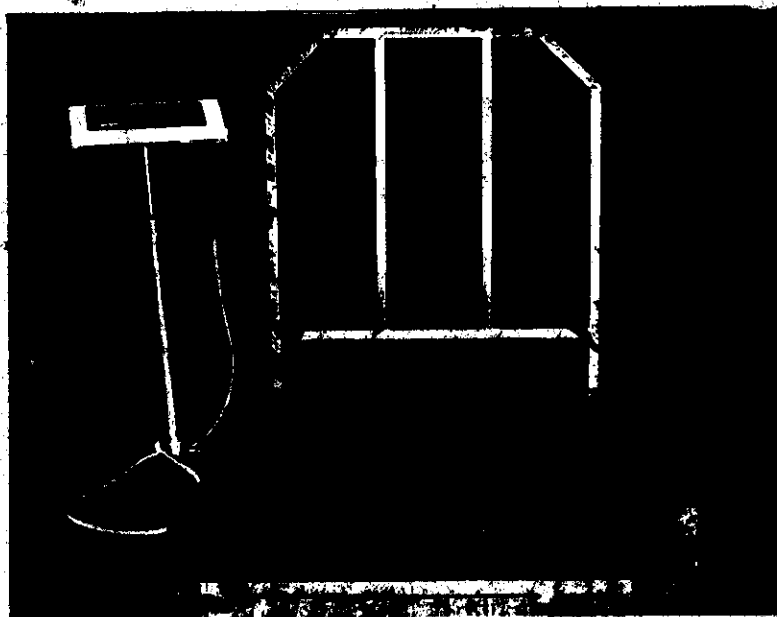
[फा. सं. डब्ल्यू एम-21(171)/2005]

आर. माधुरबुधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th November, 2006

S.O. 4810.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the self indicating, non-automatic (Platform type) weighing instrument with digital indication of "SSP" series of medium accuracy (Accuracy class-III) and with brand name "SHIVSHAKTI" (hereinafter referred to as the said model), manufactured by M/s. Sive Shakti Digital Scale Industries, 8-A, Dhanuka Complex, Athgaon, Guwahati-781 001, Assam and which is assigned the approval mark IND/09/05/1099;



The said model is a strain gauge type load cell based weighing instrument with a maximum capacity of 1500 kg. and minimum capacity is 10kg. The verification scale interval (e) is 500g. It has a tare device with 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230Volts and 50 Hertz alternat current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of same series with maximum capacity above 50 kg. and upto 5000kg. and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved model has been manufactured.

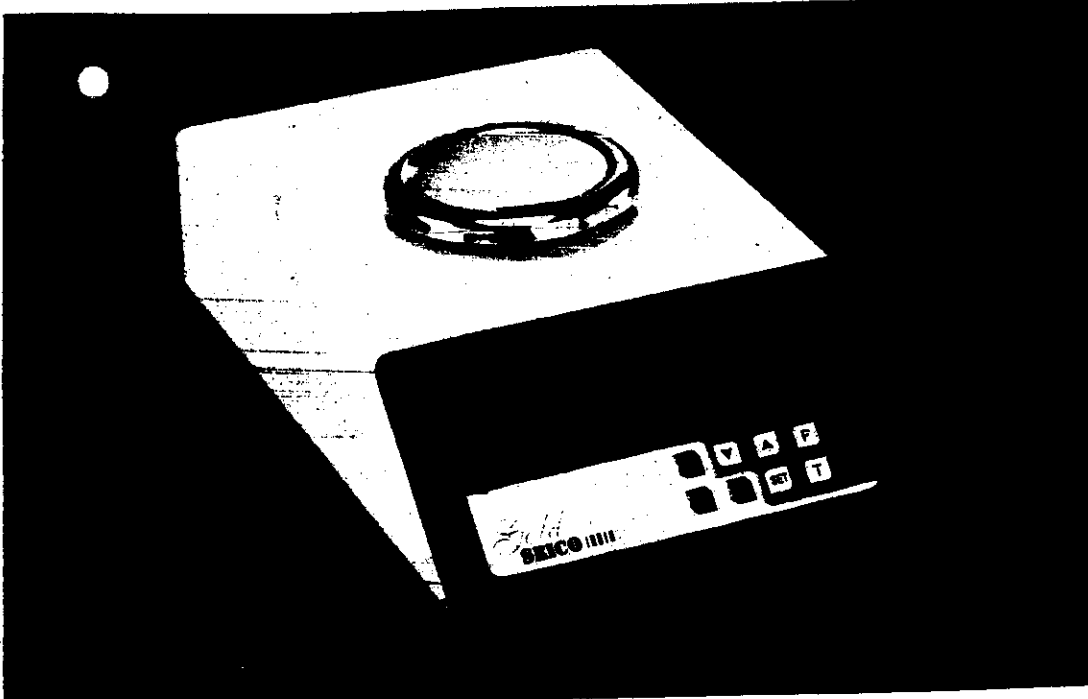
[F. No. WM-21(171)/2005]

R. MATHURBOOTHAM, Director, Legal Metrology

नई दिल्ली, 16 नवम्बर, 2006

का. आ. 4811.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सीको इंडिया, हाउस नं. 69, आर. के. नगर, सो. नं.-2, मोरेवाडी, ताल.-कारवीर, डिस्ट्रिक्ट-कोल्हापुर, महाराष्ट्र द्वारा विनिर्मित स्पेशल यथार्थता (यथार्थता वर्ग-I) वाले "सीको आई, बी" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबलटॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "सीको इंडिया" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/513 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक इलैक्ट्रो मैग्नेटिक फोर्स कम्पनसेशन प्रकरण का लोड सेल आधारित अस्वचालित तोलन उपकरण (टेबलटॉप प्रकार) है। इसकी अधिकतम क्षमता 120 ग्रा. और न्यूनतम क्षमता 0.1 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 1 मि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बेचने से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन, सिद्धांत आदि की शर्तों पर परिवर्तन/परिवर्धन नहीं किया जायेगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 50,000 या उससे अधिक के सत्यापन मापमान (एन) अंतराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(188)/2006]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 16th November, 2006

S.O. 4811.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions.

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic (Tabletop type) weighing instrument with digital indication of "SEICO-IB" series of special accuracy (Accuracy class-I) and with brand name "SEICO-INDIA" (herein referred to as the said model), manufactured by M/s. Seico India, House No. 69, R.K. Nagar, Soc. No. 2, Morewadi, Tal.-Karveer, Distt. Kolhapur, Maharashtra and which is assigned the approval mark IND/09/06/513;



The said model is an Electro Magnetic Force Compensation type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 120g. and minimum capacity is 0.1g. The verification scale interval (e) is 1mg. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg and with number of verification scale interval (n) equal to or more than 50,000 for 'e' value of 1mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design accuracy and with the same materials with which, the said approved model has been manufactured.

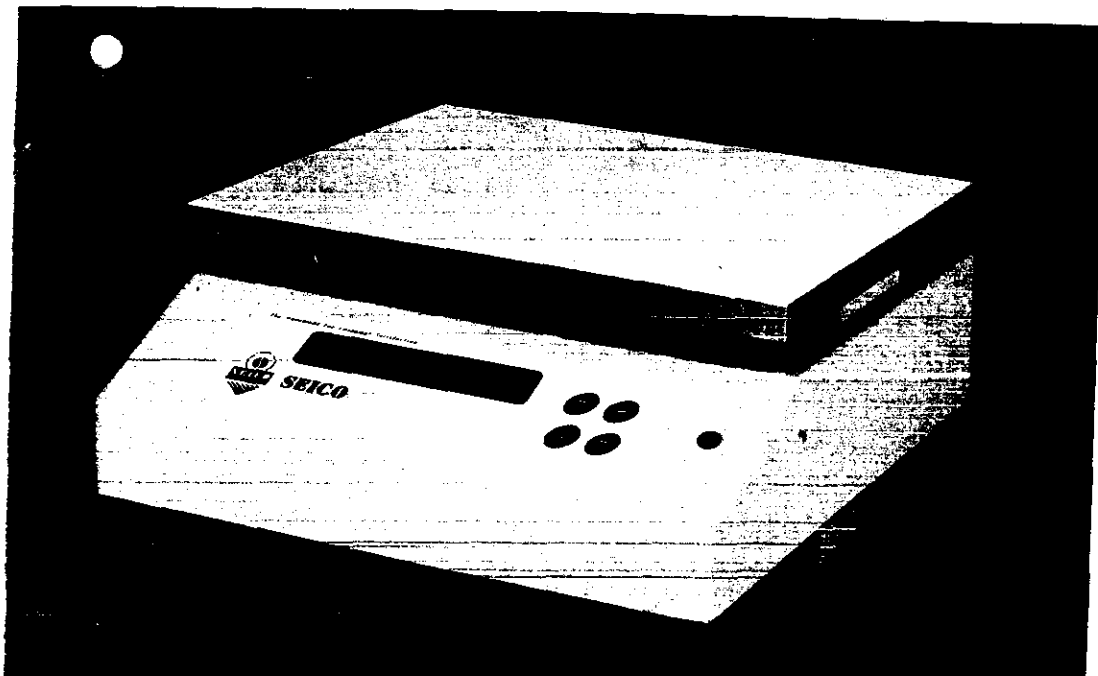
[F. No. WM-21(188)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 16 नवम्बर, 2006

का. आ. 4812.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा।

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सीको इंडिया, हाउस नं. 69, आर. के. नगर, सो. नं.-2, मोरेवाडी, ताल.-कारवीर, डिस्ट्रिक्ट-कोल्हापुर, महाराष्ट्र द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “सीको आई एन डी” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “सीको इंडिया” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/514 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार का) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बेचने से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तन/परिवर्धन नहीं किया जायेगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक “ई” मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में मापमान (एन) अंतराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 या 5×10^3 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

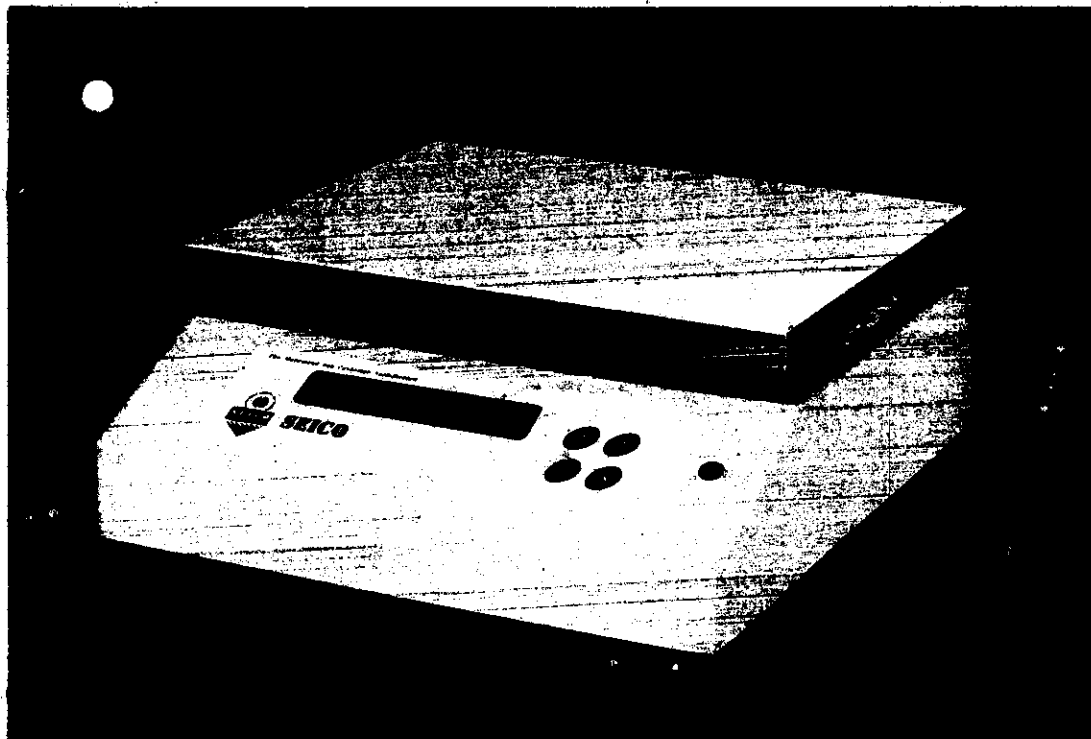
[फा. सं. डब्ल्यू एम-21(188)/2006]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 16th November, 2006

S.O. 4812.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions.

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic (Table top type) weighing instrument with digital indication "SEICO-IND" series of medium accuracy (Accuracy class-III) and with brand name "SEICO-INDIA" (hereinafter referred to as the said model), manufactured by M/s. Seico India, House No. 69, R.K. Nagar, Soc. No. 2, Morewadi, Tal.-Karveer, Distt. Kolhapur, Maharashtra and which is assigned the approval mark IND/09/06/514;



The said model is a strain guage type load cell based non-automatic weighing instrument (Table top type) with a maximum accuracy of 30 kg. and minimum capacity is 100 kg. The verification scale interval (e) is 5g. It has a tare device with 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance same series with maximum capacity upto 50 kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg. to 2g. or with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

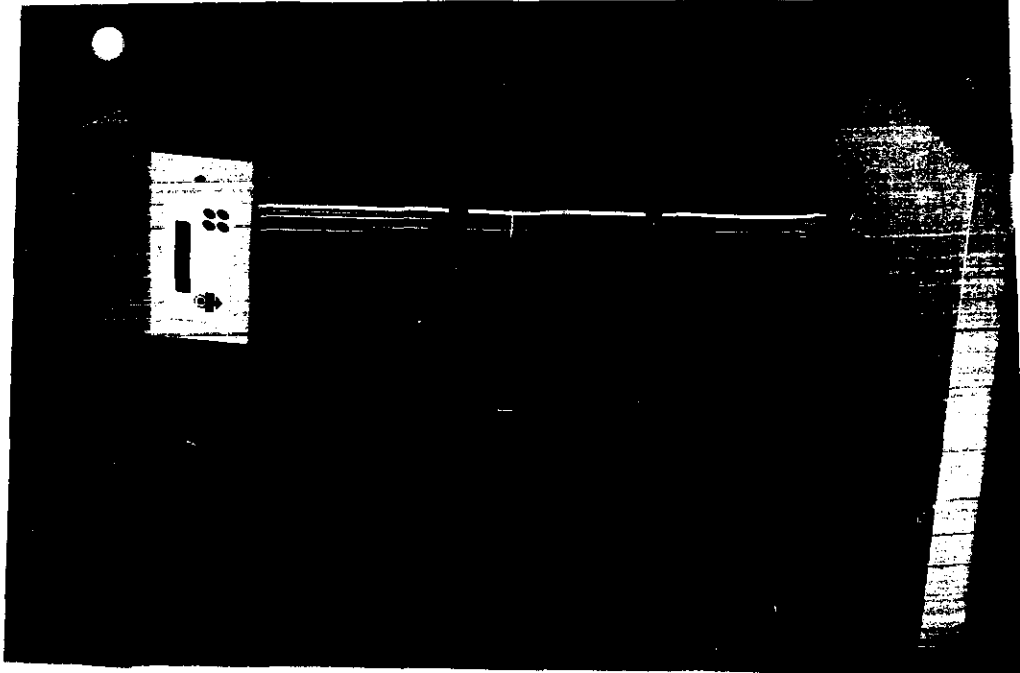
[F.No. WM-21(188)/2006]

R. MATHURBOOTHAM, Director, Legal Metrology

नई दिल्ली, 16 नवम्बर, 2006

का. आ. 4813.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सीको इंडिया, हाउस नं. 69, आर. के. नगर, सो. नं.-2, मोरेवाडी, ताल.-कारवीर, डिस्ट्रिक्ट-कोल्हापुर, महाराष्ट्र द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “सीको-आई एन डी-पी टी” शृंखला के अंकक सूचन सहित, स्वतः सूचक अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम “सीको इंडिया” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/515 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 150 कि.ग्रा. और न्यूनतम क्षमता 1 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टायिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बेचने से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तन/परिवर्धन नहीं किया जायेगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

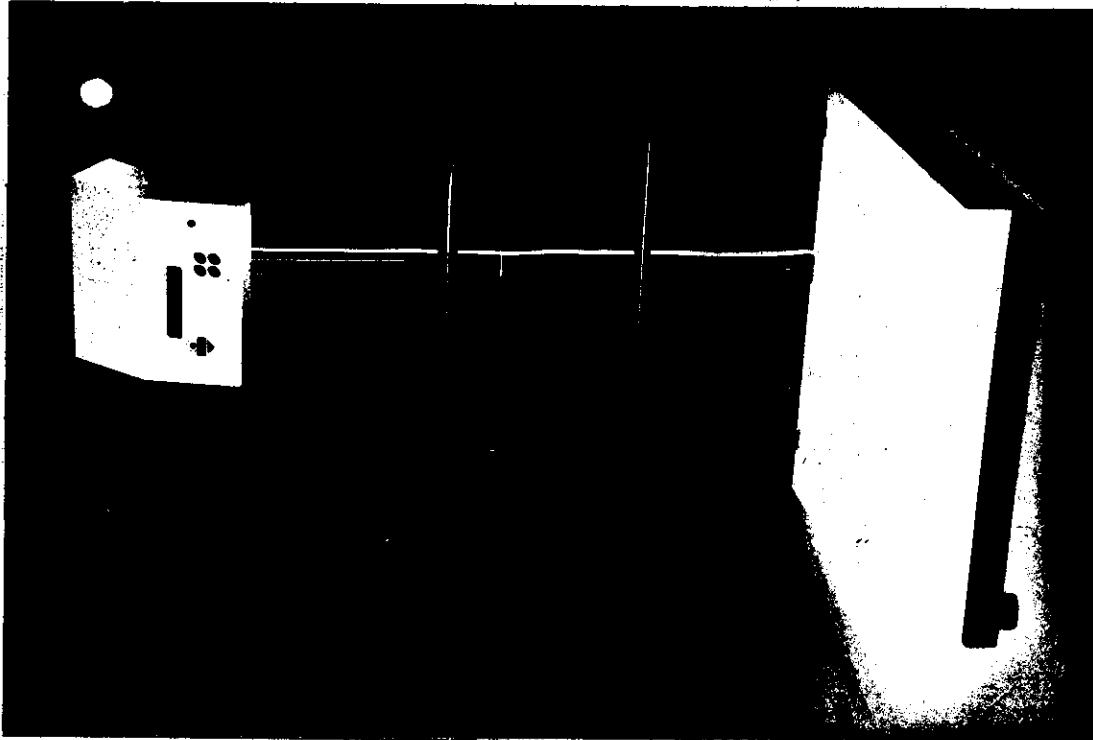
[फा. सं. डब्ल्यू एम-21(188)/2006]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 16th November, 2006

S.O. 4813.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the self indicating non-automatic (Platform type) weighing instrument with digital indication of "SEICO-IND-PT" series of medium accuracy (Accuracy class-III) and with brand name "SEICO-INDIA" (herein referred to as the said model), manufactured by M/s. Seico India, House No. 69, R.K. Nagar, Soc. No. 2, Morewadi, Tal.-Karveer, Distt. Kolhapur, Maharashtra and which is assigned the approval mark IND/09/06/515;



The said model is a strain gauge type load cell based non-automatic weighing instrument with a maximum capacity 150 kg. and minimum capacity is 1kg. The verification scale interval (e) is 50g. It has a tare device with 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230Volts, and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of same series with maximum capacity above 50 kg and upto 5000kg and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No. WM-21(188)/2006]

R. MATHURBOOTHAM, Director, Legal Metrology

भारतीय मानक ब्यूरो

नई दिल्ली, 23 नवम्बर, 2006

का.आ. 4814.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
1	2	3	4
1.	आई एस 10880 : 2006 उत्थापक भार कन्टेनरों के लिए ट्विस्टलॉक-विशिष्ट (पहला पुनरीक्षण)	आई एस 10880 : 1984	30 सितम्बर, 2006
2.	आई एस 11865 : 2006 स्वचल वाहन - जल-सहता परीक्षण पद्धति (पहला पुनरीक्षण)	आई एस 11865 : 1986	31 अक्टूबर, 2006
3.	आई एस 15709 : 2006 स्वचल वाहन - यात्री कार के लिए रीट्रीडिड वातिल टायर—विशिष्ट	—	31 अक्टूबर, 2006
4.	आई एस 15711 : 2006 सड़क वाहन - संपीडित प्राकृतिक गैस (सी एन जी) ईंधन प्रणाली के घटक—कार्यकारिता एवं सामान्य परीक्षण पद्धतियां	—	31 अक्टूबर, 2006

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : टी ई डी/जी-16]

राकेश कुमार, वैज्ञानिक एफ एवं प्रमुख (टी ई डी)

BUREAU OF INDIAN STANDARDS

New Delhi, the 23rd November, 2006

S.O. 4814.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :—

SCHEDULE

Sl. No.	No., Year and title of the Indian Standards Established	No. and year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
1	2	3	4
1.	IS 10880 : 2006 Twistlocks for lifting freight containers—Specification (First Revision)	IS 10880 : 1984	30 Sep., 2006
2.	IS 11865 : 2006 Automotive vehicles—Method of conducting waterproofing test (First Revision)	IS 11865 : 1986	31 Oct., 2006
3.	IS 15709 : 2006 Automotive vehicles—Retreaded pneumatic tyres for passenger car—Specification	—	31 Oct., 2006

1	2	3	4
4.	IS 15711:2006 Road vehicles – Compressed Natural Gas (CNG) fuel system components – Performance and general test methods	—	31 Oct., 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. TED/G-16]

RAKESH KUMAR, Scientist F and Head (Transport Engg.)

नई दिल्ली, 29 नवम्बर, 2006

का.आ. 4815.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम 4 के उपनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं : (अप्रैल, 2006 महिना के लिए) :—

अनुसूची

क्रम संख्या	लाइसेंस संख्या	स्वीकृत करने की तिथि, वर्ष/माह	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक	भा.मा. संख्या	भाग अनु वर्ष
1	2	3	4	5	6	7
1.	5262661	29-03-06	मैसर्स प्रवीण वुड प्रोडक्ट्स, रहिमपुर मोड़, पो. ओ. एथेललवारी, पश्चिम बंगाल	सामान्य प्रयोजनों के लिए प्लाईवुड	303	1989
2.	5263865	05-04-06	मैसर्स बिदेश प्लाईवुड फैक्ट्री प्रा. लि., खालाईग्राम, पो. ओ. सालबरी, पु. स्टे. धुपगुड़ी, जिला - जलपाईगुड़ी, पश्चिम बंगाल	- वही -	303	1989
3.	5265566	21-04-06	मैसर्स एक्साइड इंडस्ट्रीज लि., 91, निउकॉर्ड रोड, श्यामनगर, पो. ओ. आथपुर-743128 जिला-24 परगना (उ.)	खनिकों के लिए टोप लैम्प के समुच्चय	5679	1986
4.	5265667	21-04-06	मैसर्स एक्साइड इंडस्ट्रीज लि., 91, निउकॉर्ड रोड, श्यामनगर, पो. ओ. आथपुर-743128 जिला-24 परगना (उ.)	खनिकों के लिए टोप लैम्प की बैटरी	2512	1978

[संदर्भ : सी एम डी-1/13:11]

एस. के. चौधरी, उप महानिदेशक (मुहर)

New Delhi, the 29th November, 2006

S.O. 4815.—In pursuance of sub-regulation (5) of the Bureau of Indian Standards (Certification) Regulations, 1988, of the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following schedule for the month of April 2006 :—

SCHEDULE

Sl. No.	Licences No.	Grant Date	Name and Address of the party	Title of the Standard	IS No.	Part. Sec.	Year
1	2	3	4	5	6	7	
1.	5262661	29-3-2006	M/s. Praveen Wood Products, Rahimpore More, P. O. Ethelbari Jalpaiguri-735204	Plywood for general purpose	303		1989
2.	5263865	05-04-2006	M/s Bidesh Plywood Factory (P) Ltd., Khalaigram, P.O. Salbari, P.S. Dhupguri, Jalpaiguri.	Plywood for general purpose	303		1989
3.	5265566	21-04-2006	M/s. Exide Industries Ltd., 91, New Chord Road, P.O. Athpur-743128, Dist. 24 Parganas (N)	Miner's Cap Lamp Assemblies	5679		1986
4.	5265667	21-04-2006	M/s Exide Industries Ltd., 91, New Chord Road, P.O. Athpur-743128, Dist. 24 Parganas (N)	Miner's Cap Lamp Batteries	2512		1978

[Ref.: CMD-1/13:11]

S. K. CHAUDHURI, Dy. Director General (Marks)

नई दिल्ली, 29 नवम्बर, 2006

का.आ. 4816.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिए गए मानक(कों) में संशोधन किया गया/किये गये हैं :-

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
1	2	3	4
1.	आई एस 4270:2001-पानी के कुओं में उपयोग के लिए इस्पात नलिकाएं-विशिष्ट (तीसरा पुनरीक्षण)	संशोधन संख्या 1, मार्च 2006	11-09-2006

इन संशोधनों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, नागपुर, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : एमटीडी 19/टी-12]

डा. (श्रीमति) स्नेह भाटला, वैज्ञानिक एफ एवं प्रमुख (एमटीडी)

New Delhi, the 29th November, 2006

S.O. 4816.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :—

SCHEDULE

Sl. No.	No. and year of the Indian Standards	No. and year of the amendment	Date from which the amendment shall have effect
1	2	3	4
1.	IS 4270:2001 Steel tubes used for water wells – Specification (Third revision)	Amendment No. 1 March 2006	11-09-2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. : MTD 19/T-12]

Dr. (Mrs.) SNEH BHATLA, Sc. 'F' and Head (MTD)

नई दिल्ली, 30 नवम्बर, 2006

क्र.आ. 4817.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के उपविनियम (5) के अनुसार में भारतीय मानक ब्यूरो द्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं : (जून 2006 महीना के लिए) :—

अनुसूची

क्रम संख्या	लाइसेंस संख्या	स्वीकृत करने की तिथि वर्ष/माह	लाइसेंसधारी का नाम व पता	भारतीय मानक का संकेत	म.नं. संख्या	मग अनु वर्ष
1	2	3	4	5	6	7
1.	5272664	12-6-06	मैसर्स हिमालय सीमेंट इंडस्ट्रीज, ग्राम व पो. आ. बुकी, पु. स्टे गढ़बेता मेदीनीपुर-721253	पोर्टलैंड बाहुल्य सीमेंट	455	1989
2.	5273868	20-06-06	मैसर्स प्रोन्टे कर्माशिल प्रा. लि. बेंगा बाड़ी, काराकार रोड, डाकखाना : बिबेकानंद नगर, जिला : पुरुलिया	साधारण पोर्टलैंड सीमेंट	12389	1987
3.	5275468	28-06-06	मैसर्स ठमनी सीमेंट प्राई. लि. प्लॉट नं. एम-14 आर्वा इंडस्ट्रियल एस्टेट, कन्यापुर, आसनसोल-713304 जिला-वर्धमान, पश्चिम बंगाल	पोर्टलैंड बाहुल्य सीमेंट	466	1989
4.	5274365	29-06-06	मैसर्स एरीटेक लिमिटेड 53, कुमारपारा रोड, पो. आ. लिखुआ, जिला-हावड़ा-711204	ए सी एस-आर सिरोपुरि ब्रेकन बाकी के लिए	398	2 1996

[सं. सी.एन.डी-13:11]

एस. को. चौधरी, उपाध्यक्ष (मुद्र)

New Delhi, the 30th November, 2006

S.O. 4817.—In pursuance of sub-regulation (5) of Rule 4 of the Bureau of Indian Standards (Certification) Regulations 1988, of Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following schedule for the month of June 2006.

SCHEDULE

Sl. No.	Licences No.	Grant Date	Name and Address of the party	Title of the Standard	IS No.	Part. Sec.	Year
1	2	3	4	5	6	7	
1.	5272664	12-06-2006	M/s. Himalaya Cement Inds. Vill and P. O. DUKI, P. S. Garhbeta, Medinipur-721253.	Portland Slag Cement	455		1989
2.	5273868	20-06-2006	M/s Pronto Commercial (P) Ltd., Bengabari, Barakar Road, P. O. Vivekanand Nagar, Dist. Purulia	Ordinary Portland Cement	12269		1987
3.	5275468	28-06-2006	M/s OMNI Cement Pvt. Ltd. Plot No. M-14, Adda Industrial Estate, Kangapur, Asansol-713304 Burdwan	Portland Slag Cement	455		1989
4.	5274365	29-06-2006	ERI-TECH Ltd., 53, Kumarpara Lane, P. O. Liluah, Dist. Howrah-711204.	ACSR for overhead transmission	398	2	1996


[No. : CMD/13:11]

S. K. CHAUDHURI, Dy. Director General (Marks)

नई दिल्ली, 30 नवम्बर, 2006

का.आ. 4818.—भारतीय मानक ब्यूरो नियम, 1987 के नियम, 9 के उपनियम (1) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिए गए भारतीय मानकों सम्बन्धी मानक मुहर के डिजाइन निर्धारित कर दिये गये हैं :-

अनुसूची

क्रम संख्या	मानक मुहर का डिजाइन	उत्पाद/उत्पाद की श्रेणी	भारतीय मानक की संख्या और वर्ष	लागू होने की तिथि
(1)	(2)	(3)	(4)	(5)
1.	IS 2029 	छल्ला रिंच (पाने) की विशिष्टि (चौथा पुनरीक्षण)	आईएस 2029 : 1998	9-11-2006


[संदर्भ: सीएमडी-1/13 : 9]

एस. के. चौधरी, उप महानिदेशक (मुहर)

New Delhi, the 30th November, 2006

S.O. 4818.—In pursuance of Sub-rule (1) of Rule 9 of the Bureau of Indian Standards Rule 1987, the Bureau of Indian Standards hereby notified the Standard Marks for the Indian Standards given in the schedule :

SCHEDULE

Sl. No.	Design of the Standards Mark	Product/Class of product	No. and year of the Indian Standards	Effective Date
(1)	(2)	(3)	(4)	(5)
1.	IS 2029 	Ring wrenches (Spanners) Specification (Fourth revision)	IS 2029 : 1998	9-11-2006

[Ref.: CMD-I/13:9]

S. K. CHAUDHURI, Dy. Director General (Marks)

नई दिल्ली, 30 नवम्बर, 2006

का.आ. 4819.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम 4 के उपविनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं : (मई 2006 माह के लिए)

अनुसूची

क्रम संख्या	लाइसेंस संख्या	स्वीकृत करने की तिथि वर्ष/माह	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक	भा.मा. संख्या	भाग	अनु वर्ष
1	2	3	4	5	6		7
1.	5267368	04-05-06	मैसर्स एरिटेक लिमिटेड 53, कुमारपारा लेन, पो.आ. लिलुआ, जिला-हावड़ा, पश्चिम बंगाल	शिरोपरि प्रेशरों के लिए एल्यूमीनियम के बालक	398	1	1996
2.	5268471	06-05-06	मैसर्स विशाखा इंडस्ट्रीज लिमि. मौजा-चैंगसोल, पो.आ. सैयदपुर, सालबनी, पो.आ. सालबनी, मेदिनीपुर (प.)-721147	एस्बेस्टस सीमेंट की सपाट चट्टें	2096		1992
3.	5265566	21-04-06	मैसर्स वक्रेश्वर सीमेंट प्राई.लिमि. जामुरिया इंडस्ट्रियल एस्टेट, मिठापुर, पो.आ. इक्रा, जिला-वर्धमान	पोर्टलैंड भातुमल सीमेंट	455		1989

[संदर्भ : सी एम डी-1/13:11]

एस. के. चौधरी, उप महानिदेशक (मुहर)

New Delhi, the 30th November, 2006

S.O. 4819.—In pursuance of sub-regulation (5) of Rule 4 of the Bureau of Indian Standards (Certification) Regulations 1988, of Bureau of Indian Standards, hereby notified the grant of licences particulars of which are given in the following schedule for the month of May, 2006.

SCHEDULE

Sl. No.	Licences No.	Grant Date	Name and Address of the party	Title of the Standard	IS No.	Part. Sec.	Year
1	2	3	4	5	6	7	
1.	5267368	04-05-2006	M/s. ERI-TECH Ltd., 53, Kumarpara Lane, P.O. Lihah, Distt. Howrah-711204	ACSR-Aluminum Stranded Conductors	398	1	1996
2.	5268471	06-05-2006	M/s. Visaka Industries Ltd., Mouza : Changsol P.O. Saiyedpur, Salboni, Midnapur (W), Pin : 721 147	Asbestos Cement Flat Sheet	2096		1992
4.	5269776	31-05-2006	M/s. Bakreswar Cement Pvt. Ltd., Jamuria Industrial Estate, Mithapur, P.O. Ikra, Bujrtwan—713362	Portland Slag Cement	455		1989

[Ref.: CMD-1/13:11]

S.K. CHAUDHURI, Dy. Director General (Marks)

नई दिल्ली, 1 दिसम्बर, 2006

क्र.अ. 4820.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :-

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिरिक्तित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
1	2	3	4
1.	आई एस 5759 : 2006 प्रतिहिमन शीतक— विशिष्ट (दूसरा पुनरीक्षण)	आई एस 5759 : 1994	अक्टूबर 2006
2.	आई एस 3987 : 2006 सोरबिटोल सैल्युशन (70 प्रतिशत) सौंदर्य प्रसाधन उद्योग के लिए लिए—विशिष्ट (तीसरा पुनरीक्षण)	आई एस 3987 : 1983	अक्टूबर 2006

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुरशाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों: अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में विक्री हेतु उपलब्ध हैं।

[संदर्भ : पी सी डी/जी-7 (गजट)]

डा. डी. के. चौधरी, वैज्ञानिक 'एफ' एवं प्रमुख (पेट्रोल, कोयला एवं सम्बन्धित उत्पाद)

New Delhi, the 1st December, 2006

S.O. 4820.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. and Year and title of the Indian Standards Established	No. and year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
1	2	3	4
1.	IS 5759 : 2006 Antifreeze Coolant—Specification (Second Revision)	IS 5759 : 1984	October 2006
2.	IS 3987 : 2006 Sorbitol Solution (70 per cent) for Cosmetic Industry—Specification (Third Revision)	IS 3987 : 1984	October 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. : PCD/G-7 (Gazette)]

Dr. D. K. CHAUDHURI, Sc. 'F' & Head (PCD)

नई दिल्ली, 1 दिसम्बर, 2006

क्र.आ. 4821.—भारतीय मानक ब्यूरो नियम, 1987 के नियम, 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिए गए मानक(कों) में संशोधन किया गया/किये गये हैं :-

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आई एस 15678 : 2006 दाब आरोपित प्राकृतिक गैस हेतु गैस की पाइपलाइन इटैलिजेंट पिपिंग—रीति संहिता	संशोधन संख्या 1, अक्टूबर 2006	तत्काल प्रभाव से
2.	आई एस 15679 : 2006 दाब आरोपित प्राकृतिक गैस हेतु गैस पाइपलाइनों की तप्त टेपिंग, स्टॉपल प्लगिंग, लाइन प्लगिंग—रीति संहिता	संशोधन संख्या 1, अक्टूबर 2006	तत्काल प्रभाव से

इन संशोधनों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुरशाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयंबटूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : पी सी डी/जी-7(गजट)]

डा. डी. के. चौधरी, वैज्ञानिक 'एफ' एवं प्रमुख (पेट्रोल, कोयला एवं सम्बन्धित उत्पाद)

New Delhi, the 1st December, 2006

S.O. 4821.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No.	No. and year of the Indian Standards	No. and year of the amendment	Date from which the amendment shall have effect
1	2	3	4
1.	IS 15678 : 2006 Intelligent pigging of pressurized natural gas pipelines—Code of practice	Amendment No. 1, October 2006	With immediate effect
2.	IS 15679 : 2006 Hot tapping, stopple plugging/line plugging of pressurized natural gas pipelines—Code of practice	Amendment No. 1, October 2006	With immediate effect

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Gawhati Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. PCD/G-7 (Gazette)]

Dr. D. K. CHAUDHURI, Sc 'F' and Head (PCD)

नई दिल्ली, 4 दिसम्बर, 2006.

का.आ. 4822.—भारतीय मानक ब्यूरो नियम, 1987 के नियम, 7 के उपनियम, (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिए गए मानक(कों) में संशोधन किया गया/किये गये हैं :-

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आई एस 11722 : 1986 पतली भित्ति के नम्य द्रुत कपलिंग पाइपों की विशिष्टि	संशोधन संख्या 2, अप्रैल, 2006	11-09-2006

इन संशोधनों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुरशाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : एम टी डी 19/टी-68]

डॉ. (श्रीमति) स्नेह भाटला, वैज्ञानिक 'एफ' एवं प्रमुख (एमटीडी)

New Delhi, the 4th December, 2006

S.O. 4822.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No.	No. and year of the Indian Standards	No. and year of the amendment	Date from which the amendment shall have effect
1	2	3	4
1.	IS 11722 : 1986 Specification for thin walled flexible quick coupling pipes	Amendment No. 2 April, 2006	11-09-2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: MTD 19/T-68)]

Dr. (Mrs.) SNEH BHATLA, Sc 'F' & Head (MTD)

नई दिल्ली, 4 दिसम्बर, 2006

का.आ. 4823.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम 4 के उपविनियम, (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिनके विवरण नीचे अनुसूची में दिए गए हैं को लाइसेंस प्रदान किए गए हैं :

अनुसूची

क्रम संख्या	लाइसेंस संख्या	वैधता तिथि	पार्टी का नाम एवं पता (कारखाना)	उत्पाद	आई एस सं./भाग/खण्ड/वर्ष
1.	7663386	15-10-2007	अवकॉब इण्डस्ट्रीज, गाला सं 7 और 8 नन्दिनी इण्डस्ट्रीयल इस्टेट, अमली दमण सिलवासा, दमण और दीव-396230।	1100 वो तक एवं सहित कार्यकारी वोल्टता के लिए पीवीसी रोधित केबल	694 : 1990
2.	7663285	15-10-2007	अवकॉब इण्डस्ट्रीज, गाला सं. 7 और 8 नन्दिनी इण्डस्ट्रीयल इस्टेट, अमली दमण सिलवासा, दमण और दीव 396230।	1100 वो तक कार्यकारी वोल्टता के लिए पीवीसी रोधित (हैवीड्यूटी) विद्युत केबल (भाग 1)	1554 : भाग 1 1988
3.	7665996	30-10-2007	करण केबल इण्डस्ट्रीज, श्रीजी इण्डस्ट्रीयल इस्टेट, गाला नं. 3, बिल्डिंग सं. 4, वालीव फाटा, सातवली वसई-पूर्व, थाने-401 208।	1100 वो तक एवं सहित कार्यकारी वोल्टता के लिए पीवीसी रोधित केबल	694 : 1990
4.	7661483	08-10-2007	बालाजी होम अप्लाइसेस, प्लॉट सं. 306/2433, मोतीलाल नगर नं. 2, एम जी रोड, गोरेगाँव-पश्चिम, मुंबई-400 090।	बिजली के घरेलू खाद्य मिक्सर (द्रवीपरक और ग्राइन्डर)	4250 : 1980

[संदर्भ : सी एम डी-1/13 : 11]

एस. के. चौधरी, उपमहानिदेशक (प्रमाणन)

New Delhi, the 4th December, 2006

S.O. 4823.—In pursuance of sub-regulation (5) of Regulation 4 of the Bureau of Indian Standards (Certification) Regulations 1988, the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given below in the following schedule :

SCHEDULE

Sl. No.	Licences No.	Validity Date	Name and Address (factory) of the Party	Product	IS No./Part./Sec./Year
1	2	3	4	5	6
1.	7663386	15-10-2007	Avocab Industries Gala Bo. 7 and 8, Nandini Industrial Estate, Amli Damann, Silvasa Daman and Diu-396230	PVC Insulated cables for working voltages upto and including 1100 V	IS 694 : 1990
2.	7663285	15-10-2007	Avocab Industries Gala No. 7 and 8, Nandini Industrial Estate, Amli Damann, Silvasa Daman and Diu-396230	PVC Insulated (heavy duty) electric cables : Part 1 for working voltages upto and including 1100 V	IS 1554 : Part 1 : 1988

1	2	3	4	5	6
3.	7665996	30-10-2007	Karan Cable Industries Shreeji Indl. Estate, Gala No. 3, Bldg. No. 4, Waliv Phata, Sativali, Vasali (E), Thane-401208	PVC Insulated cables for working voltages upto and including 1100V	IS 694 : 1990
4.	7661483	08-10-2007	Balaji Home Appliances Plot No. 306/2433, Motilal Nagar No. 2, M.G. Road, Goregaon (W) Mumbai-400090	Specification for Domestic Electric Food-Mixers (Liquidizers and Grinders)	IS 4250 : 1980

[Ref.: CMD-1/13:11]

S. K. CHAUDHURI, Dy. Director General (Marks)

नई दिल्ली, 5 दिसम्बर, 2006

का.आ. 4824.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में एतद्वारा अधिसूचित किया जाता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं, वे रद्द कर दिए गए हैं और वापस ले लिए गए हैं :-

अनुसूची

क्रम संख्या	रद्द किये गये मानक की संख्या और वर्ष	भारत के राजपत्र भाग 2, खंड 3, उपखंड (ii) में का.आ. संख्या और तिथि प्रकाशित	टिप्पणी
1	2	3	4
1.	आईएस 9301 : 1990 गहराई से पानी निकालने के हथबरमें—विशिष्ट (पहला पुनरीक्षण)	—	आईएस 15500 (भाग 1 से 8): 2004 गहराई से पानी निकालने वाले हथबरमें, प्रयुक्त होने वाले पुर्जों और विशेष औजार- विशिष्ट (आईएस 9301 : 1990, आईएस 13056 : 1991, आईएस 13287: 1992, आईएस 14101 : 1994, आईएस 14102 : 1994, आईएस 14103 : 1994, आईएस 14104 : 1994, आईएस 14105: 1994 एवं आईएस 14107 : 1999 का समामेलन) के प्रकाशित होने के कारण।
2.	आईएस 13056 : 1991 गहराई से पानी निकालने के हथबरमें (बी एल ओ एम)— विशिष्ट	—	-वही-
3.	आईएस 13287 : 1992 अतिरिक्त गहराई से पानी निकालने के हथबरमें—विशिष्ट	—	-वही-
4.	आईएस 14101 : 1994 गहराई से पानी निकालने के हथबरमें—घटक-ढलवाँ लोहे के—विशिष्ट	—	-वही-
5.	आईएस 14102 : 1994 गहराई से पानी निकालने के हथबरमें—घटक—सीमा युक्त टिन कॉसे के—विशिष्ट	—	-वही-

1	2	3	4
6.	आईएस 14103 : 1994 गहराई से पानी निकालने के हथबरमें -घटक-मृदुइस्पात के-विशिष्ट	—	आईएस 15500 (भाग 1 से 8): 2004 गहराई से पानी निकालने वाले हथबरमें, प्रयुक्त होने वाले पुर्जे और विशेष औजार-विशिष्ट (आईएस 9301 : 1990, आईएस 13056 : 1991, आईएस 13287: 1992, आईएस 14101 : 1994, आईएस 14102 : 1994, आईएस 14103 : 1994, आईएस 14104 : 1994, आईएस 14105: 1994 एवं आईएस 14107 : 1999 का सम्मेलन) के प्रकाशित होने के कारण ।
7.	आईएस 14104 : 1994 गहराई से पानी निकालने के हथबरमें -घटक-नाइलॉन रबर के-विशिष्ट	—	-वही-
8.	आईएस 14105 : 1994 गहराई से पानी निकालने के हथबरमें-घटक-स्टेनलैस स्टील के-विशिष्ट	—	-वही-
9.	आईएस 14107 : 1999 गहराई से पानी निकालने के हथबरमें के विशिष्ट औजार-विशिष्ट	—	-वही-

[संदर्भ : एम. ई. डी./जी-2 : 1]

सी. के. वेदा, वैज्ञा. एफ एवं प्रमुख (यांत्रिक इंजीनियरिंग)

New Delhi, the 5th December, 2006

S.O. 4824.—In pursuance of Clause (b) of sub-rule (1) of Rules 7 of the Bureau of Indian Standards Rules, it is, hereby notified that Indian Standards, particulars of which are mentioned in the Schedule give hereafter, have been cancelled and stand withdrawn.

SCHEDULE

Sl. No.	No. and year of the Indian Standards Cancelled	S.O. No. and Date published in the Gazette of India, Part-II, Section-3, Sub-section (ii)	Remark
1	2	3	4
1.	IS 9301:1990 Deepwell handpumps-Specification (third revision)	—	In view of publication of IS 15500 (Part 1 to 8): 2004 Deepwell hand-pumps, components and special tools-Specification (Amalgamating IS 9301 : 1990, IS 13056: 1991, IS 13287: 1992, IS 14101: 1994, IS 14102: 1994, IS 14103: 1994, IS 14104: 1994, IS 14105: 1994 IS 14107: 1999)

1	2	3	4
2.	IS 13056:1991 Deepwell handpumps-(VLOM)-Specification	—	In view of publication of IS 15500 (Part 1 to 8): 2004 Deepwell hand-pumps, components and special tools-Specification (Amalgamating IS 9301: 1990, IS 13056: 1991, IS 13287: 1992, IS 14101: 1994, IS 14102: 1994, IS 14103: 1994, IS 14104: 1994, IS 14105: 1994, IS 14107: 1999)
3.	IS 13287:1992 Deepwell handpumps-Specification	—	-do-
4.	IS 14101:1994 Deepwell handpumps-Components- Cast iron-Specification	—	-do-
5.	IS 14102:1994 Deepwell handpumps-Components- Leaded tin bronze-Specification	—	-do-
6.	IS 14103:1994 Deepwell handpumps-Components- Miled steel-Specification	—	-do-
7.	IS 14104:1994 Deepwell handpumps-Components- Nitrile rubber-Specification	—	-do-
8.	IS 14105:1994 Deepwell handpumps-Components- Stainless steel-Specification	—	-do-
9.	IS 14107:1999 Special tools for deepwell handpumps-Specification	—	-do-

[Ref: MED/G-2:1]

C. K. VEDA, Sc. F and Head (Mechanical Engineering)

नई दिल्ली, 5 दिसम्बर, 2006

का.आ.4825.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :-

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हों, की संख्या और वर्ष	स्थापित तिथि
1	2	3	4
1.	आईएस 5129 (भाग 4) : 2006/आईएसओ 6154-4:1999 घूर्णी शैफ्ट की लिप टाइप सील भाग 4 कार्यकारिता परीक्षण विधियाँ (पहला पुनरीक्षण)	आई एस 5129 (भाग 4) : 2000/आई एस ओ 6154-4:1999 घूर्णी शैफ्ट की लिप टाइप सील भाग 4 कार्यकारिता परीक्षण विधियाँ (आई एस 5125-1987 का अतिक्रमण)	31 अक्टूबर, 2006

1	2	3	4
2.	आईएस 15500 (भाग 1 से 8) : 2004 गहराई से पानी निकालने वाले हथबर में, प्रयुक्त होने वाले पुर्जों और विशेष औजार—विशिष्ट	आईएस 9301:1990 गहराई से पानी निकालने के हथबर में—विशिष्ट (पहला पुनरीक्षण) आईएस 13056:1991 गहराई से पानी निकालने के हथबर में—विशिष्ट (वी एल ओ एम) आईएस—13287:1992 अतिरिक्त गहराई से पानी निकालने के हथबर में—विशिष्ट, आईएस 14101:1994 गहराई से पानी निकालने के हथबर में—घटक—डलवाँ लोहे के—विशिष्ट, आईएस 14102:1994 गहराई से पानी निकालने के हथबर में—घटक—सीसा युक्त टिन कॉसे के—विशिष्ट, आई एस 14103:1994 गहराई से पानी निकालने के हथबर में—घटक—मुद्गस्पात के—विशिष्ट, आई एस 14104:1994 गहराई से पानी निकालने के हथबर में—घटक—आईट्रोल रबर के—विशिष्ट आईएस 14105:1994 गहराई से पानी निकालने के हथबर में—घटक—स्टेनलेस स्टील के—विशिष्ट एवं आईएस 14107:1999 गहराई से पानी निकालने के हथबर में के विशिष्ट औजार—विशिष्ट	01 दिसम्बर, 2006
3.	आईएस 15685 : 2006 पावर बायलर के लिए क्रेता का आंकड़ा पत्र		31 अक्तूबर, 2006
4.	आईएस 15685 : 2006 पावर बायलर के लिए सप्लायर का आंकड़ा पत्र		31 अक्तूबर, 2006

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाहजफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : एम.ई. डी./जी-2:1]

सी. के. वेदा, वैज्ञानिक 'एफ' एवं प्रमुख (यांत्रिक इंजीनियरिंग)

New Delhi, the 5th December, 2006

S.O. 4825.—In pursuance of Clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. & Year and title of the Indian Standards Established	No. and year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
1	2	3	4
1.	IS 5129(Part 4):2006/ISO 6194—4:1999 Rotary shaft lip type seals Part 4 Performance test procedures (first revision)	IS 5129(Part 4):2000/ISO 6194—4:1999 Rotary shaft lip type seals Part 4 Performance test procedures (Superseding) IS 5125:1987)	31 October, 2006

1	2	3	4
2.	IS 15500 (Part 1 to 8): 2004 Deepwell handpumps, components and special tools- Specification	IS 9301:1990 Deepwell handpumps— Specification (third revision), IS 13056:1991 Deepwell handpumps (VLOM)—Specification, IS 13287:1992 Extra Deepwell handpumps—Specification, IS 14101:1994 Deepwell handpumps— Components—Cast iron—Specification, IS 14102:1994 Deepwell handpumps— Components—Leaded tin bronze— Specification, IS 14103:1994 Deepwell handpumps—Components—Mild steel— Specification, IS 14104:1994 Deepwell handpumps—Components—Nitrile rubber— Specification, IS 14105:1994 Deepwell handpumps—Components—Stainless steel—Specification and IS 14107:1999 Special tools for deepwell handpumps- Specification.	01 December, 2006
3.	IS 15685:2006 Purchaser's data sheet for power boiler	—	31 October, 2006
4.	IS 15696:2006 Supplier's data sheet for power boiler	—	31 October, 2006

Copy of these Standards are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: MED/G-2:1]

C. K. VEDA, Sc. 'F' & Head (Mechanical Engineering)

नई दिल्ली, 7 दिसम्बर, 2006

का.आ. 4826.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम 1988 के विनियम 4 के उपनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं : (अगस्त 2006 महीना के लिए)

अनुसूची

क्रम संख्या	लाइसेंस संख्या	स्वीकृत करने की तिथि वर्ष/माह	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक	भा.मा. संख्या	भाग	अनु वर्ष
1	2	3	4	5	6	7	
1.	5280562	1-8-06	मेसर्स स्प्लैस पॉनीमर्स प्रा.लि. लालकुठि, नुतनपारा, पो.आ. आर गोपालपुर पु.स्टे. एयरपोर्ट कोलकाता-700136 पश्चिम बंगाल	वाटर क्लोजेट एवं यूरिनलों के लिए प्लास्टिक की फ्लश टैंकिया	7231		1994
2.	528061	7-8-06	मेसर्स निक्को कार्पोरेशन लि. आथपुर श्यामनगर 24 परगना (उ.) 743128 पश्चिम बंगाल	सिंचाई प्रयोजनों के लिए एल्यूमीनियम मिश्रधातु की नलियां	7098	2	1987
3.	5282162	9-8-06	मेसर्स कमला लैम्प इंडस्ट्रीज 9, लॉक गेट रोड सौदागर पल्ली, कोलकाता-700002	घरेलू और उसी प्रकार के सामान्य प्रकाश प्रयोजनों हेतु टंगस्टन	418		2004

1	2	3	4	5	6	7
4.	5282667		पश्चिम बंगाल मेसर्स श्री शंकर सुवन एस्टेट प्राई. लिमि. बालानपुर, पो.आ. इकरा पु. स्टे. जामुरिया, वर्धमान, पश्चिम बंगाल	तन्तु वाले बल्ब पोर्टलैंड धातुमल सीमेंट 455		1989

[संदर्भ : सी एम डी-1/13:11]
एस. के. चौधरी, उप महानिदेशक (मुहर)

New Delhi, the 7th December, 2006

S.O. 4826.—In pursuance of sub-regulation (5) of Rule 4 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies the grant of licences particulars are given below for the month of August, 2006.

SCHEDULE

Sl. No.	Licences No.	Grant Date	Name and Address of the party	Title of the Standard	IS No.	Part. Sec.	Year
1	2	3	4	5	6	7	
1.	5280562	01-08-06	M/s. Splash Polymers Pvt. Ltd., Lalkuthi Natunpara P.O.R. Gopalpur P. S. Airport Kolkata-700 136	Plastic Flushing Cisterns for Water-closets and urinals	7231		1994
2.	5282061	0-7-08-06	M/s. NICCO Corporation Ltd. Athpur, Shyamnagar Dist. 24-Parganas(N) Pin: 700136	Aluminium Alloy Tube for Irrigation purposes	7098	2	1987
3.	5282162	09-08-06	M/s. Kamala Lamp 9, Lock Gate Road Saudagar Pally Kolkata-700002.	Filament Lamp for Domestic and Similar General Lighting purposes	418		2004
4.	5282667		M/s. Sri Sankar Suwan Estate Pvt. Ltd., P.O. I K R A P.S. Jamuria Dist. Burdwan West Bengal	Portland Slag Cement	455		1989

[Ref.: CMD-1/13:11]

S. K. CHAUDHURI, Dy. Director General (Marks)

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 12 दिसम्बर, 2006

का.आ. 4827.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 2916 तारीख 26 जुलाई, 2006, जो भारत के राजपत्र तारीख 29 जुलाई 2006 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मध्य प्रदेश राज्य में मांगल्या (इंदौर) संस्थापन से हरियाणा राज्य में पियाला तथा दिल्ली राष्ट्रीय राजधानी क्षेत्र में बिजवासन तक पेट्रोलियम उत्पादों के परिवहन के लिए मुंबई-मामल्या पाइपलाइन विस्तार परियोजना के माध्यम से भारत पेट्रोलियम कारपोरेशन लिमिटेड द्वारा एक विस्तार पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियाँ जनता को तारीख 14 सितम्बर, 2006 को उपलब्ध करा दी गई थीं ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिये अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने की बजाए, सभी विल्लंगमों से मुक्त, भारत पेट्रोलियम कारपोरेशन लिमिटेड में निहित होगा ।

अनुसूची

तहसील : लाड़पुरा		जिला : कोटा	राज्य : राज्यस्थान
क्र. सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
1	नोटाना	715	0.1000
2	बृजेशपुरा	450	0.0500

[फा. सं. आर. 31015/8/2004-ओ आर-II]

ए. गोस्वामी, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 12th December, 2006

S.O. 4827.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 2916, dated the 26th July, 2006, issued under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act) Published in the Gazette of India dated the 29th July, 2006, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying an extension pipeline for transportation of petroleum products through Mumbai-Manglya Pipeline Extension Project from Manglya (Indore) terminal in the State of Madhya Pradesh, to Piyala in the State of Haryana and Bijwasan in the NCT of Delhi by Bharat Petroleum Corporation Limited ;

And whereas the copies of the said Gazette notification were made available to the public on the 14th September, 2006 ;

And whereas the competent authority has, under sub-section (1) of Section 6 of the said Act, submitted report to the Central Government ;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the land, specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline ;

And further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Bharat Petroleum Corporation Limited free from all encumbrances.

SCHEDULE

Tehsil : Ladpura		District : Kota	State : Rajasthan
S. No.	Name of Village	Survey No.	Area in Hectare
1	2	3	4
1	Notana	715	0.1000
2	Brajeshpura	450	0.0500

[F. N. R-31015/8/2004-OR-III]

A. GOSWAMI, Under Secy.

नई दिल्ली, 11 दिसम्बर, 2006

का. आ. 4828.—केंद्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन), अधिनियम 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 584 तारीख 8 फरवरी 2006 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में, मैसर्स रिलायंस गैस ट्रांसपोर्टेशन इंफ्रास्ट्रक्चर लिमिटेड, पूर्ववत् मैसर्स गैस ट्रांसपोर्टेशन एंड इंफ्रास्ट्रक्चर कम्पनी लिमिटेड जिसका तत्पश्चात् पुनः नामकरण मैसर्स रिलायंस गैस पाइपलाइन्स लिमिटेड किया गया, की संप्रवर्तक कंपनी मैसर्स रिलायंस इंडस्ट्रीज लिमिटेड, के गोवा में उत्तरी / दक्षिणी अपतट में खोज ब्लॉकों और आन्ध्रप्रदेश में संरचनाओं से महाराष्ट्र राज्य में लातूर और उस्मानाबाद जिले के विभिन्न उपभोक्ताओं तक प्राकृतिक गैस के परिवहन के लिए मैसर्स रिलायंस गैस ट्रांसपोर्टेशन इंफ्रास्ट्रक्चर लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियाँ जनता को तारीख 12 अक्टूबर 2006 को उपलब्ध करा दी गई थी;

और पाइपलाइन बिछाने के संबंध में जनता की ओर से प्राप्त आक्षेपों पर सक्षम प्राधिकारी द्वारा विचार कर लिया गया है और अननुज्ञात कर दिया गया;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि: इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है;

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए, सभी विल्लंगमों से मुक्त, मैसर्स रिलायंस गैस ट्रांसपोर्टेशन इंफ्रास्ट्रक्चर लिमिटेड में निहित होगा।

अनुसूची

मंडल/ तहसील/ तालुका: निसंगा		जिला: लातूर		राज्य: महाराष्ट्र	
गाँव का नाम	सर्वे / हिस्सा नंबर	आर.ओ.यु. अर्जित करने के लिए क्षेत्रफल			
		हेक्टेयर	एयर	सि-एयर	
1	2	3	4	5	
1) इतरगा (इलसी)	37	00	50	50	
मंडल/ तहसील/ तालुका: उमरगा		जिला : उस्मानाबाद		राज्य : महाराष्ट्र	
1) चाकुर	82/3	00	18	00	
	161/1/1	00	64	10	
	161/1/7	00	47	10	
	82/7	00	43	00	
2) नारंगवाडी	37	00	52	90	
	15/3	00	13	30	
	7/8	00	05	00	
	223/1	00	08	70	
	223/2	00	06	80	
	210/2	00	04	50	
	16/3	00	21	20	
	13/2	00	09	40	
	7/1	00	11	00	
	7/7	00	09	70	
	7/9	00	09	80	
	10/4	00	09	30	
	10/5	00	28	40	
	223/3	00	22	50	
	213/5	00	42	50	
	211/5	00	21	00	
	209/2	00	94	20	
	204/4	00	52	80	
	203/1	00	03	60	
3) पेठ सांगवी	29/2	00	39	40	
	29/1	00	11	70	
	गाड़ी क़त्ता सर्वे नं. 19 में	00	05	90	
	228/2	00	01	40	
	225/3	00	20	10	
	15/ब/2	00	19	20	
	15/अ/2	00	40	60	
	16/3	00	17	15	
	16/1	00	17	15	
	229/1	00	47	20	
	247/10	00	22	60	
	247/8	00	43	80	
मंडल/ तहसील/ तालुका: सोहरा		जिला: लातूर		राज्य : महाराष्ट्र	
1) राजेगाँव	79/10	00	08	50	

1	2	3	4	5
1) राजेगोंद (निरंतर....)	79/5	00	11	30
	79/3	00	14	00
	79/4	00	13	50
	79/8	00	10	60
	89/2/2	00	34	10
2) सासुर	33/2/2	00	12	60
	11/3	00	21	00
	11/2	00	08	00
	33/2/1	00	36	00
3) कानेगोंद	41/6	00	32	30
	41/7	00	27	00
4) अरनी	63/1/1	00	37	70
	4/2	00	07	00
मंडल/ तहसील/ तालुका : औसा	जिला : लातूर	राज्य : महाराष्ट्र		
1) मंगलूळ	65	00	13	40
	68/अ	00	01	20
	68/ब	00	27	20
2) सारणी	60/अ	00	32	40
3) आशीव	239/2	00	59	30
मंडल/ तहसील/ तालुका : उस्मानाबाद	जिला : उस्मानाबाद	राज्य : महाराष्ट्र		
1) उस्मानाबाद (ग्रामीण)	654	00	53	40

[फा. सं. एल-14014/4/2006-जी.पी.]

एस. बी. मण्डल, अवर सचिव.

New Delhi, the 11th December, 2006

S. O. 4828.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas, number S.O. 584 Dated: 8th February 2006, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying pipeline for transportation of natural gas from the exploration blocks in the Northern / Southern Offshore of Goa & Structures in Andhra Pradesh of M/s Reliance Industries Limited, the Promoter company of M /s Reliance Gas Transportation Infrastructure Limited erstwhile M / s Gas Transportation and Infrastructure Company Limited subsequently renamed as M /s Reliance Gas Pipelines Limited, to the various consumers of District Latur and Osmanabad in the State of Maharashtra;

And whereas the copies of the said Gazette notification were made available to the public from 12th April 2006

And whereas the objections received from the public to the laying of the pipeline have been considered and disallowed by the Competent Authority;

And whereas the Competent Authority has under sub-section (1) of section 6 of said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land, specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of publication of the declaration, in M/ s Reliance Gas Transportation Infrastructure Limited, free from all encumbrances.

Schedule

Mandal/Tehsil/Taluka: Nilanga		District: Latur		State : Maharashtra	
Village	Survey/ Sub-division No.	Area to be acquired for ROU			
		Hectare	Are	C-Are	
1	2	3	4	5	
1) Hatarga (Halsi)	37	00	50	50	
Mandal/Tehsil/Taluka: Umarga					
		District: Osmanabad		State : Maharashtra	
1) Chakur	82/3	00	18	00	
	161/1/1	00	64	10	
	161/1/7	00	47	10	
	82/7	00	43	00	
2) Narangwadi	37	00	52	90	
	15/3	00	13	30	
	7/8	00	05	00	
	223/1	00	08	70	
	223/2	00	06	80	
	210/2	00	04	50	
	16/3	00	21	20	
	13/2	00	09	40	
	7/1	00	11	00	
	7/7	00	09	70	
	7/9	00	09	80	
	10/4	00	09	30	
	10/5	00	28	40	
	223/3	00	22	50	
	213/5	00	42	50	
	211/5	00	21	00	
	209/2	00	94	20	
	204/4	00	52	80	
	203/1	00	03	60	

1	2	3	4	5
3) Peth. Sangvi	29/2	00	39	40
	29/1	00	11	70
	Cart Track in Survey No. 19	00	05	90
	228/2	00	01	40
	225/3	00	20	10
	15/B/2	00	19	20
	15/A/2	00	40	60
	16/3	00	17	15
	16/1	00	17	15
	229/1	00	47	20
	247/10	00	22	80
	247/8	00	43	80
Mandal/Tehsil/Taluka: Lohara District: Osmanabad State : Maharashtra				
1) Rajegaon	79/10	00	08	50
	79/5	00	11	30
	79/3	00	14	00
	79/4	00	13	50
	79/8	00	10	60
	89/2/2	00	34	10
2) Sastur	33/2/2	00	12	60
	11/3	00	21	00
	11/2	00	08	00
	33/2/1	00	36	00
3) Kanegaon	41/6	00	32	30
	41/7	00	27	00
4) Ami	63/1/1	00	37	70
	4/2	00	07	00
Mandal/Tehsil/Taluka: Ausa District: Latur State : Maharashtra				
1) Mangrui	65	00	13	40
	68/A	00	01	20
	68/B	00	27	20
2) Sarni	60/A	00	32	40
3) Ashiv	239/2	00	59	30
Mandal/Tehsil/Taluka: Osmanabad District: Osmanabad State : Maharashtra				
1) Osmanabad(Rural)	654	00	53	40

[F. No. L-14014/4/2006-G.P.]
S.B MANDAL, Under Secy.

नई दिल्ली, 11 दिसम्बर, 2006

का. आ. 4829.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 40 तारीख 06 जनवरी, 2006, द्वारा उस अधिसूचनासे संलग्न अनुसूची में, मैसर्स रिलायन्स गैस ट्रान्सपोर्टेशन इन्फ्रास्ट्रक्चर लिमिटेड पूर्ववत् मैसर्स गैस ट्रान्सपोर्टेशन एंड इन्फ्रास्ट्रक्चर कंपनी लिमिटेड को जामनगर - भोपाल और काकीनाडा - हैदराबाद - गोवा पाइपलाइनों को आपस में जोड़ने के लिए एक पाइपलाइन बिछाने के प्रयोजन के लिए उक्त अधिसूचना के संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी;

और, उक्त राजपत्र अधिसूचना की प्रतियाँ जनता को तारीख 21 जून, 2006 को उपलब्ध करा दी गई थी;

और पाइपलाइन बिछाने के संबंध में जनता की ओर से कोई आक्षेप प्राप्त नहीं हुआ है;

और, सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात्, और यह समाधान हो जाने पर कि उक्त भूमि में पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है;

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में पाइपलाइन बिछाने के संबंध में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए, सभी विल्लंगमों से मुक्त, मैसर्स रिलायन्स गैस ट्रान्सपोर्टेशन इन्फ्रास्ट्रक्चर लिमिटेड में निहित होगा।

अनुसूची

तहसील : ओलपाड	जिला : सुरत	राज्य : गुजरात		
		आर ओ यू अर्जित करने के लिये क्षेत्रफल		
गाँव का नाम	सर्वे नंबर / ब्लॉक नं	हेक्टेयर	एयर	चौ.मी.
1	2	3	4	5
1. मूलद	76	00	00	26
	75	00	09	00

[फा. सं. एल-14014/38/2005-जी.पी.]

एस. बी. मण्डल, अवर सचिव

New Delhi, the 11th December, 2006

S. O. 4829.—Whereas by notification of the government of India in the Ministry of Petroleum and Natural Gas number S. O. 40 dated 06th January, 2006 issued under sub-section (1) of the section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying pipeline for transportation natural gas through an interconnection between Jamnagar - Bhopal and Kakinada - Hyderabad - Goa Pipelines by M/s Reliance Gas Transportation Infrastructure Limited erstwhile M/s Gas Transportation and Infrastructure Company Limited;

And, whereas copies of the said Gazette notification were made available to the public on 21st June, 2006;

And whereas, no objections were received from the public to the laying of the pipeline;

And whereas the Competent Authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And, further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest, on the date of publication of the declaration, in Ms/ Reliance Gas Transportation Infrastructure Limited free from all encumbrances.

SCHEDULE

Tehsil : Olpad	District : Surat	State : Gujarat		
Name of the Village	Survey No./Block No.	Area to be acquired for ROU		
		Hectare	Are	Sq.m
1	2	3	4	5
1. Mulad	76	00	00	26
	75	00	09	00

[F. No. L-14014/38/2005-G.P.]
S.B MANDAL, Under Secy.

श्रम और रोजगार मंत्रालय

नई दिल्ली, 16 नवम्बर, 2006

का.आ 4830.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, आसनसोल के पंचाट (संदर्भ संख्या 50/1993) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-11-2006 को प्राप्त हुआ था।

[सं. एल-22012/287/1993-आई आर (सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 16th November, 2006

S.O. 4830.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 50/1993) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure in the industrial Dispute between the management of ECL and their workman, which was received by the Central Government on 16-11-2006.

[No. L-22012/287/1993-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
ASANSOL**

Present :

Shri Md. Sarfaraz Khan, Presiding Officer

Reference No. 50 of 1993

PARTIES:

Agent Kumardihi 'B' Colliery of ECL, Ukhra, Burdwan

Vrs

Working President, Colliery Mazdoor Union, Ukhra, Burdwan.

Representatives :

For the Management : Shri P. K. Das, Advocate

For the Union (Workman) : Shri M. Mukherjee, Advocate

INDUSTRY: Coal STATE: West Bengal

Dated : the 31st October, 2006

AWARD

In exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Govt. of India through the Ministry of Labour vide its letter No. L-22012/287/93-IR(C-II) dated 16-12-93 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

"Whether the action of the Management of Kumardihi 'B' Colliery under Bankola Area of M/s E.C. Ltd. in dismissing Sri Shaglu Kora, Timber Mistry, Kumardihi 'B' Colliery from the service after issuing chargesheet No. Agent/KB/PD/92/LA/82 dated 15-01-92 is justified? If not, to what relief the workman is entitled to?"

On having received the Order No. L-22012/287/93-IR(C-II) dated 16-12-93 of the aforesaid reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference Case No. 50 of 1993 was registered on 23-12-93 and accordingly an order to that effect was passed to issue notices to the respective parties through the registered post directing them to appear in the court on the date fixed and to file their written statement along with the relevant documents and a list of witnesses in support of their claims. In compliance of the said order notice were issued to the parties concerned by the registered post. Sri P.K. Das Ld. Advocate for the management appeared with a letter of authority and submitted a written statement on behalf of the management. Likewise Sri M. Mukherjee Advocate also appeared with a letter of authority to represent the union and filed his written statement in support of his claims.

From perusal of the record it transpires that the case is pending for hearing and several adjournments were granted to the parties. It is further clear from the record that on 11-8-05 the case was taken up for final hearing. The learned lawyer of the union submitted he had got no instruction from the side of the workman concerned and he has got no knowledge as to whether the workman concerned is alive or not. Several dates were fixed for filling the alive certificate of the workman concerned but to no effect. No step is being taken in this case on behalf of the union. In spite of several adjournments the workman did neither appear nor his where-about was furnished. It appears that the workman has got no interest to pursue his interest. It is not proper to keep this old record pending any more as no purpose is to be served. As such it is hereby.

ORDERED

that let a "No Dispute Award" be and the same is passed. Send the copies of the award to the Govt. of India Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

MD. SARFARAZ KHAN, Presiding Officer

नई दिल्ली, 16 नवम्बर, 2006

का.आ. 4831.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अरनाकुलम के पंचाट (संदर्भ संख्या

190/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-11-2006 को प्राप्त हुआ था।

[सं. एल-22012/285/2000-आई आर (सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 16th November, 2006

S.O. 4831.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 190/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Ernakulam as shown in the Annexure in the industrial Dispute between the management of Food Corporation of India, and their workmen, which was received by the Central Government on 16-11-2006.

[No. L-22012/285/2000-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

Present :

Shri P. L. Norbert, B.A. LL.B. Presiding Officer

(Tuesday the 7th day of November, 2006/16th Kartika, 1928)

I.D. 190/2006

(I.D. 26/03 of State Labour Court, Ernakulam)

Workman/Union	:	The General Secretary, FCI Workers Union, Mulankunnathukavu, Thrissur. Adv. Shri Thampan Thomas.
Management	:	The District Manager, Food Corporation of India, Mulankunnathukavu, Thrissur.

AWARD

This is a reference made by Central Government under Section 10(1)(d) of Industrial Disputes Act, 1947 to this court for adjudication. The reference is :

"Whether the action of the Management of Food Corporation of India, Mulankunnathukavu in denying the payment of entitled wage and other arrears to sub-depot workers of FCI Mulankunnathukavu for the period from 1-5-96 to 21-2-97 at par with the main depot workers is legal and justified? If not, to what relief the workers are entitled?"

2. This case was pending before State Labour Court, Ernakulam since 2003. It was received by transfer by this court in July, 2006. Though notice was issued to both sides the management alone entered appearance. The union is absent. There is no representation also for the union. The

lawyer who appeared before State Labour Court for the union has not turned up before this court. Hence it has to be presumed that there is no subsisting dispute.

3. In the result, an award is passed finding that the action of the management in denying payment of wages to sub-depot workers of FCI Mulankunnathukavu at par with the main depot workers is legal and justified. The workers are not entitled to any relief. No cost.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 7th day of November, 2006.

P. L. NORBERT, Presiding Officer

APPENDIX : NIL.

नई दिल्ली, 16 नवम्बर, 2006

क्र.आ. 4832.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार फाइबर फैक्ट्री के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय अरनाकुलम के पंचाट (संदर्भ संख्या 99/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-11-2006 को प्राप्त हुआ था।

[सं. एल-42012/113/2001-आई आर (सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 16th November, 2006

S.O. 4832.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 99/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Ernakulam as shown in the Annexure in the industrial Dispute between the management of Admn. of the Union Territory of Lakshadweep and their workman, which was received by the Central Government on 16-11-2006.

[No. L-42012/113/2001-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

Present :

Shri P. L. Norbert, B.A. LL.B. Presiding Officer

(Wednesday the 8th day of November, 2006/17th Kartika, 1928)

I.D. 99/2006

(I.D. 9/2003 of Labour Court, Ernakulam)

Workman/Union	:	The President, Lakshadweep General Mazdoor Sangh, T.D. Road, Kochi-682035. Adv. Shri K. Shri Hari Rao.
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Management

The Director of
Industries, Admn. of the
Union Territory of
Lakshadweep, Directorate
of Industries, Kavaratty-
682555.

Adv. Shri P. R. Ramachandra Menon

AWARD

This is a reference made by Central Government under Section 10(1)(d) of Industrial Disputes Act, 1947 to this court for adjudication. The reference is :—

“Whether the 60 casual labourers/temporary employees are to be taken on regular service of M/s. Fibre Factory, Kavaratty as demanded by the Lakshadweep General Mazdoor Sangh? If so, to what relief they are entitled to?”

2. This case was pending in State Labour Court, Ernakulam and was transferred to this court in July, 2006. Though notice was issued to both sides the management alone entered appearance. The union has been remaining absent continuously. Though several adjournments were given for appearance of union, no body has turned up from the side of the union. There is no representation also for the union. Hence it has to be presumed that there is no existing dispute for adjudication.

3. In the result, an award is passed holding that the demand of the union for absorption of 60 casual labourers in M/s Fibre Factory, Kavaratty cannot be justified. No cost.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 8th day of November, 2006.

P. L. NORBERT, Presiding Officer

Appendix : Nil.

नई दिल्ली, 16 नवम्बर, 2006

का.आ 4833.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.पी.डब्ल्यू. डी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2, नई दिल्ली के पंचाट (संदर्भ संख्या 40/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-11-2006 को प्राप्त हुआ था।

[सं. एल-42012/236/2002-आई. आर. (सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 16th November, 2006

S.O. 4833.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 40/2003) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, New Delhi as shown in the Annexure in the industrial Dispute between the manage-

ment of Vigyan Bhawan Division, CPWD, and their workman, received by the Central Government on 16-11-2006.

[No. L-42012/236/2002-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE THE PRESIDING OFFICER, CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT II, NEWDELHI**

Presiding Officer : R. N. RAI

I.D. 40/2003

In the matter of :

Shri Sunil Kumar & 22 Ors.,
C/o. The President,
All India CPWD Karamchhari Union,
Plot No. 1, Udaseen Mandir, Aram Bagh,
Paharganj, New Delhi-110055.

Versus

The Executive Engineer,
Vigyan Bhawan Division, CPWD,
New Delhi.

AWARD

The Ministry of Labour by its letter No. L-42012/236/2002 IR-(C-II), Central Government dt. 5-3-2003 has referred the following point for adjudication.

The point runs as hereunder :—

“Whether the demand of the CPWD Karamchhari Union for reinstatement and regularization of the services of workmen worked as contract labourers (as per list attached) in the establishment of Central Public Works Department, Vigyan Bhawan Division, New Delhi is legal and justified? If yes, to what relief they are entitled to?”

The workmen-applicants have claim statement. In the claim statement they have stated that they all are Sweepers (Safai Karamchhari) who were employed by the contractor, the management No. 3 for discharging the services of sweeping and cleaning in the premises of the principal employer i.e. management Nos. 2 and 3 at its site at Vigyan Bhawan, New Delhi. It is stated that each of them were kept for the service of the principal employer and have been discharging their services effectively and diligently till their date of termination i.e. 12-12-2000, the workmen have been working since long for years altogether and in each year each of them had completed 240 days qualifying him/them for regularization in the establishment of principal employer. The detail of their work date of induction monthly wages etc. enumerated by way of a chart has been annexed hereto for perusal.

That the nature of job performed by the workmen are permanent and perennial in nature and satisfies all the requirements contained in Section 10 of Contract Labour (Regulation and Abolition) Act, 1970, qualifying abolition

of contract labour in their job. It is stated that since years together their conditions of employment remained unchanged and they used to work under the direct control and supervision of the principal employer.

That the contractor only lends his name to the establishment and the workmen worked in his name, where as the truth remains that for all practical purpose they worked as if the workmen of the principal employer, the contractor having no control over the day-to-day working of workmen. The job of the contractor remained to the extent of disbursement of wages once in a month.

That the contract arrived between the principal employer and the contractor for getting discharge job perennial nature are sham and not genuine one. The whole of the affairs used to be in camouflage which ought to be lifted by the Industrial Adjudicator. It is stated that the contractor was kept as a middleman, only in order to exploit the workmen in the matter of their pay, benefits and in order to deprive them from regularization with the principal employer.

That the workmen had approached the Hon'ble Delhi High Court and had obtained order for not terminating their services for substituting them through other contract labour. However, the management dispensed with the services of the workmen on 12-12-2000 and thereafter on 19-12-2000 the matter was disposed of with a direction to approach the Labour Court. Thereafter the workmen have moved on LPA which was later withdrawn seeking liberty to withdraw, seeking liberty to initiate Industrial Dispute, the details of the proceedings of High Court need not be mentioned here.

That the termination of workmen on 12-12-2000 was in violation of provisions of I.D. Act, 1947 and in result thereof the workmen have become unemployed.

That the workmen raised the dispute before the Conciliation Officer. The conciliation proceedings were initiated but resulted in failure because of the adamant and non-cooperative attitude of the management hence this reference.

The respondent/management has filed written statement. In the written statement it has been stated that the Executive Engineer (Civil), Vigyan Bhawan, New Delhi has already been registered as a principal employer with the office of the RLC(C), New Delhi vide registration No. ALC-II/46(4)/93(R).

That the Executive Engineer, Vigyan Bhawan Division is supervising the maintenance of CPWD, M/o Urban Development, Vigyan Bhawan Building situated at Maulana Azad Road, New Delhi.

That the maintenance of Vigyan Bhawan is carried out through registered contractors of CPWD as per the provisions in force from time to time.

That the job of care taking of Vigyan Bhawan has been performed through the mode of contracts from time to time. The list of contractors which have been assigned

the work during the period 1996—2001 is annexed in Annexure-R-I.

That Vigyan Bhawan is prestigious venue frequented by high level dignitaries such as Heads of States, Heads of Government etc. That Vigyan Bhawan Division has been granted exemption by the Contract Labour Advisory Board (CLAB) from the provision of Contract Labour (Regulation and Abolition) Act, 1970.

That the contents of para 1 are absolutely wrong and denied. The building was commissioned after renovation only in the year 1994. The work of care taking has been performed on job basis like other works through contracts and no labour supply has been taken.

That the contents of para 2 are denied. The nature of the job claimed to have been performed by the worker is not of a permanent or perennial nature. In fact the requirement of services depends upon the booking of the convention centre.

That the contents of para 3 are wrong and denied. The applicants have themselves admitted that they are the employees of the contractor and prescribed wages have been paid to them by the contractor. Thus they are in no way the departmental employees of the CPWD management and therefore it can be safely said that there is no relations of employer and employee between the parties. Further the instant I.D. is fully covered by the law laid down by the Hon'ble CGIT and Labour Court, Jodhpur in I.D. No. 7/2001 titled as Shiv Narain Vs. Executive Engineer (Electrical), CPWD.

That the contents of para 4 are absolutely wrong and denied. In fact even though this works have been performed through the mode of contracts, no single labour complaint was received in this office during this period. Even this statutory fortnightly labour reports and labour clearance certifies from the concerned authorities were produced by the contractor from time to time.

That the contents of para 5 are matter of record and to the extent is not being denied. That the contents of para 6 are wrong and denied. It is further submitted that the claim of the workmen are not maintainable.

The workmen applicants have rejoinder. In their rejoinder they have reiterated the averments of their claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard arguments from both the sides and perused the papers on the record.

It was submitted from the side of the workmen that 23 workmen have worked for long years under different contractors. Their services have been terminated on 12-12-2000. The management has denied this para of the claim statement.

It was submitted from the side of the management that the dates for engagement of the workmen have not

been mentioned anywhere in the claim statement. Only engagement of long years has been mentioned. So it cannot be ascertained as to for how many years the workmen have been working.

It was submitted from the side of the management that the workmen have to establish that the contract is sham and not genuine. The workmen have also to prove that they have discharged their duties under the control and supervision of the management. In that case only the management will become the principal employer.

It was submitted that MW1 has categorically stated that the claimants were not working at the Vigyan Bhawan. It becomes necessary for the workmen to establish by some cogent documentary evidence that they have worked at Vigyan Bhawan and their work has been supervised and controlled by the management. The contract will become sham only when it is proved that the workmen worked under the control and supervision of the management. There is no document to show that payment has been made by the management. There is no document to show that these workmen have been engaged by any contractor. It is surprising that there is not even a scrap of paper regarding the employment of the workmen and payment made to them.

It is settled law that the claim cannot be taken to be proved by mere assertion and affidavit. Any number of persons may file affidavit that they have worked under the contractors under the control and supervision of the management. The workmen have to prove that the contractors have engaged them and payment to them has been made by the management. Mere on the basis of affidavit the claim does not stand proved. The workmen have failed to prove the averments of their claim statements. They are not entitled to get any relief.

The reference is replied thus :—

The demand of the CPWD Karamchhari Union for reinstatement and regularization of the services of workmen worked (as contract labourers as per list attached) in the establishment of Central Public Works Department, Vigyan Bhawan Division, New Delhi is neither legal nor justified. The workmen applicants are not entitled to get any relief as prayed for.

Award is given accordingly.

Date : 10-11-2006.

R.N. RAI, Presiding Officer

नई दिल्ली, 16 नवम्बर, 2006

का.आ. 4834.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में राष्ट्रीय औद्योगिक अधिकरण, मुम्बई के पंचाट (संदर्भ संख्या NTB-1/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-11-2006 को प्राप्त हुआ था।

[सं. एल-22012/325/2003-आई. आर. (सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 16th November, 2006

S.O. 4834.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. NTB-1/2004) of the National Industrial Tribunal, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of FCI and their workman, which was received by the Central Government on 16-11-2006.

[No.L-22012/325/2003-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE NATIONAL INDUSTRIAL TRIBUNAL
AT MUMBAI

PRESENT :

Justice Ghanshayam Dass, Presiding Officer

Reference No. NTB-1 of 2004

PARTIES :

Employers in relation to the management of Food Corporation of India

AND

Their workmen

APPEARANCES:

For the Management : Mr. Y. Prabhakara
Rao, Adv.

For the Union : Mr. Chandan Kumar,
Adv.

State : Maharashtra

Mumbai dated the 18th day of October 2006.

AWARD

1. This is a reference made by the Central Government in exercise of its powers under of sub-section (1A) of Section 10 of the Industrial Disputes Act 1947 (the Act for short) vide Government of India, Ministry of Labour, New Delhi Order No.L- 22012-325-2003-IR (C-II) dated 11-3-2004 The terms of reference given in the schedule are as follows :

Whether the contract workers in the depots of FCI at (i) Beheri (ii) Khatima, (iii) Bhatu, (iv) Itawah, (v) Mainpuri, (vi) Bharuch (vii) Alopibag, (viii) Kolasib, (ix) Alwar (x) Phagwara, (xi) Kumar Ghat, (xii) Williams Nagar (xiii) Jind, (xiv) Hissar, (xv) Ujhani, (xvi) Sarhind, (xvii) Katangi, (xviii) Varasivani, (xix) Balaghat, (xx) Palwal, (xxi) Malukpong (xxii) Asandh, (xxiii) Koolu, (xxiv) Kothera Hamirpur, (xxv) Balsad are entitled for the same pay and other benefits as are available to the departmentalized labour in the depots of FCI? If so, to what benefits they are entitled?

2. The matter came up for hearing today before me. This NTB was earlier assigned to the predecessor in office Shri. S.C. Pandey; later on, it has been assigned to me vide order dt. 10-11-2005 after my taking over as Presiding Officer in this Tribunal.

3. The parties appeared before and submitted that the instant reference has already been quashed by the Honourable High Court of Bombay *vide* writ petition No. 14171/2004.

4. In this circumstance, the instant reference is hereby dismissed.

JUSTICE GHANSHYAMDASS, Presiding officer

नई दिल्ली, 16 नवम्बर, 2006

का.आ 4835.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इन्स्टीट्यूट आफ इम्यूनोहैमेटोलोजी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2, मुम्बई के पंचाट (संदर्भ संख्या 15/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-11-2006 को प्राप्त हुआ था।

[सं. एल-42012/172/2002-आई. आर. (सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 16th November, 2006

S.O. 4835.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 15/2003) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Mumbai as shown in the Annexure in the industrial Dispute between the management of Institute of Immunohaematology, 13th Floor, New and their workmen, received by the Central Government on 16-11-2006

[No. L-42012/172/2002-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL No.2, AT MUMBAI

PRESENT:

A.A. LAD, Presiding Officer

REFERENCE No. CGIT-2/15 OF 2003

Employers in Relation to the management of

INSTITUTE OF IMMUNOHAEMATOLOGY

The Director

Institute of Immunohaematology

13th floor, New Multistoreyed Building

KEM Hospital Campus

Parel, Mumbai 400012

AND

Theri Worken

Smt. Samiksha Santosh Bharankar

C/o. Shri S.S. Parab

Sai Vishwas Co-op. Housing Society

Block No. 14, 3rd floor,

Old Dombivli Road,

Dombivli (W) 421202

Distt. Thane.

APPEARANCE:

For the Employer : Mr. S.P. Mokashi,
Advocate

For the Workmen : Absent

Date of passing of Award: 3rd October, 2006

AWARD

1. The Government of India, Ministry of Labour by its Order No. L-42012/172/2002/IR (C-II) dated 11-02-2003 in exercise of the powers conferred by clause (d) of sub section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication:

“Whether the action of the management of Institute of Immunohaematology, Parel Mumbai in terminating the services of Mrs. Samiksha Barankar w.e.f. 26-4-1997 is legal and justified? If not, to what relief she is entitled to?”

2. To support the subject matter referred in the reference, second party filed Statement of Claim Ex-7 which was replied by first party by filing Written statement at Ex-12. First party filed affidavit since issues were framed at Ex-16 and point of industry, jurisdiction of this Tribunal were treated as preliminary issues. Said burden was on first party to prove those issues.

3. Since stage was for cross examination of Management witness on these issues, second party did not appear in this reference. Notices were sent on fresh hearing *vide* Ex-22 & 23, still second party did not appear. So I close the proceeding and pass the following order:

ORDER

Reference is disposed of for want of prosecution.

Mumbai, Dated 3-10-2006

A. A. LAD, Presiding Officer

नई दिल्ली, 17 नवम्बर, 2006

का.आ. 4836.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंडिकेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अर्नाकुलम के पंचाट (संदर्भ संख्या 172/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-11-2006 को प्राप्त हुआ था।

[सं. एल-12012/79/98-आई. आर. (बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 17th November, 2006

S.O. 4836.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 172/2006) of the Central Government Industrial Tribunal-cum-Labour Court I, ERNAKULAM as shown in the Annexure in the industrial Dispute between the management of

Syndicate Bank and their workmen, received by the Central Government on 17-11-2006.

[No. L-12012/79/1998-IR (B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

**IN THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM**
PRESENT:

Shri P.L. Norbert, B.A., L.L.B., Presiding Officer

(Friday the 10th day of November, 2006

I.D. 172/2006

(I.D. 52/1998 of Labour Court, Ernakulam)

Workman/Union: The Assistant Secretary
Syndicate Bank Staff
Association T.D. Road,
Kochi-682033

Adv. Shri N. Nagaresh

Management: The Divisional Manager
Syndicate Bank
Divisional Office
M.G. Road, Ernakulam.

Adv. Shri M.P. Ashok Kumar Nagaresh

AWARD

This is a reference made by Central Government under Section 10 (1) (d) of Industrial Disputes Act, 1947 to this court for adjudication. The reference is:

“Whether the action of the management of Syndicate Bank to terminate the services of Shri R.S. Pai, Clerk vide order dated 16-12-96 is legal and justified, and whether the management is justified in not considering the request of Smt. Pushpa Pai, W/o R.S. Pai, terminated employee due to medical ground for compassionate appointment? If not, what relief the workman is entitled to?”

2. Though notice was issued to both sides the management alone entered appearance. The case was adjourned three times for appearance of the union. Still they have not turned up. There is no representation also for the union. This case was pending before State Labour Court, Ernakulam since 1998. It was transferred to this court in July, 2006. The union does not appear to be interested in the matter. Therefore it has to be presumed that there is no subsisting dispute.

3. In the result, an award is passed finding that the action of the management in terminating the service of Shri R.S. Pai, Clerk and rejection of request of the wife of Shri R.S. Pai for employment on compassionate ground is legal and justified. No cost.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 10th day of November, 2006.

P.L. NORBERT, Presiding Officer

APPENDIX : NIL

नई दिल्ली, 17 नवम्बर, 2006

का.आ. 4837.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नेशनल इश्योरेन्स कं. लि. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-2, नई दिल्ली के पंचाट (संदर्भ संख्या 217/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-11-2006 को प्राप्त हुआ था।

[सं. एल-17013/3/98-आई.आर.(बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 17th November, 2006

S.O. 4837.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 217/98) of the Central Government Industrial Tribunal-cum-Labour Court No. 2 New Delhi as shown in the Annexure in the Industrial Dispute between the management of National Insurance Co. Ltd. and their workman received by the Central Government on 17-11-2006.

[No. L-17013/3/98-IR (B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

**BEFORE THE PRESIDING OFFICER: CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL CUM
LABOUR COURT-II, RAJENDRA PLACE,
NEW DELHI**

I.D. No. 217/1998

R. N. RAI:

PRESIDING OFFICER

IN THE MATTER OF:

Shri Sanjeev Kumar Gupta,
S/o. Late Shri Ram Kishore Gupta,
R/o. 4077, Kucha Dilwali Singh,
Ajmere Gate, Delhi - 110006

VERSUS

The Assistant General Manager,
National Insurance Company Limited,
Jeevan Bharti Building,
Tower - II, Level - IV, 124,
Connaught Place, New Delhi - 110001.

AWARD

The Ministry of Labour by its letter No. L-17013/3/98-IR (B-II) Central Government dt. 03-01-2000 has referred the following points for adjudication.

The points run as hereunder :—

“Whether the action of the management of National Insurance Company Limited, New Delhi to impose the penalty on Shri Sanjeev Kumar Gupta, Data Entry Operator vide order dated 26-09-1994 is just and legal? If not, what relief is the said workman entitled to?”

The workman applicant has filed claim statement. In the claim statement it has been stated that Shri Gupta concerned workman joined into the employment of the management w.e.f. 10-01-1984 as a Record Clerk on probation. His services were regularized on the said post w.e.f. 18-08-1987 and was accordingly confirmed w.e.f. 11-03-1988. Thereafter, he was promoted as an Assistant w.e.f. 01-08-1987 and was accordingly confirmed w.e.f. 18-02-1988. Thereafter he appeared for a test and after the selection he was appointed as Data Entry Operator w.e.f. 19-03-1990 and since then he is working as such. He has unblemished and uninterrupted record of service to his credit.

That vide communication dated 11-06-1992 the workman was placed under suspension while he was posted in Division No.1 and he was served with a memorandum and statement of allegation vide communication dated 30-07-1992 and the allegation levelled against the workman is reproduced below :

"During the discussion with the Divisional Manager, Mr. Amiya Kumar, Mr. Gupta raised his voice and also threatened his Divisional Manager saying:

"Main dekh loonga kiske gurde me kitna dam hai, aur main kisi office ke kayde kanoon ki parvah nahin karta hoon. Office mein aane jane ka hamara apna system hai. Aapke jaise meine kayee Divisional Manager dekh rankhen hai. Mein apni marji se dafter aunga aur jaaunga aur dekh loonga ke koyee kya karta hain. Mere bina application diye mujhe 1/2 day mark kar rakha hai. Mein attendance register seal karva dunga. Ityadi."

The workman submitted his explanation/reply to the said memorandum vide letter dated 17-08-1992 denying the charge against him and pleading victimization and unfair labour practice on the part of the management. The said representation dated 17-08-1992 was duly received by the management but rejected vide communication dated 27-11-1992 and the management decided to hold inquiry and appointed Shri Satish kaushik as Inquiry Officer.

That Shri Satish kaushik conducted the inquiry and held Charge No.1 not proved but surprisingly the charge which was not a part of memorandum of charges was held to be proved against the workman and submitted his Inquiry Report on 21-10-1993. A representation was made by the workman against the said Inquiry Report on 20-12-1993 in which the workman highlighted the procedural irregularities, biased attitude of the Inquiry Officer and manipulation of records by officers of the management and victimization and unfair labour practice on the part of the management.

That Mr. Arvind Beri who was the then Manager and competent authority vide order dated 26-09-1994 imposed the following penalties on the workman.

"Reduction of Basic Pay by two stages in the time scale i.e. at present Shri Gupta is drawing of Rs. 1, 930/- which should be reduced to Rs.1770."

"The period of suspension of Shri Gupta shall be treated as period not spent on duty as provided under Rule 22 of the General Insurance (Conduct, discipline and Appeal Rules, 1975)."

That the workman raised objections to the said punishment vide his Telegram dated 10-10-1994.

That the action of the management of issuing suspension order, holding inquiry and imposing penalty of reduction in basic pay and treating the period of suspension not spent on duty and, therefore, not paying the full salary of the suspension period is illegal, unjust, malafide amounting to victimization and unfair labour practice for the following amongst other reasons:

That the facts and circumstances of this case does not warrant placing the workman under suspension because neither the charge was such nor the workman was in a position to influence the disciplinary proceedings in case he would have continued in service. Even otherwise, the very fact that the inquiry proceedings were initiated after about six months of placing the workman under suspension and it took 9 months to the management to take its decision on the inquiry report despite the fact that the workman throughout cooperated with the Inquiry Officer for early disposal of the inquiry.

That the Inquiry Officer conducted the inquiry in English language up to 15-06-1993 despite objections from the workman in this regard and prejudiced the interest of the workman as the workman was unable to appreciate English language.

That the workman could not defend himself in the inquiry proceedings as the management did not pay him proper subsistence allowances as admissible under the law. The workman was kept under suspension for two and a half years for not fault on his part and the management did not pay him subsistence allowance along with revised DA from time to time.

That whatever documents given to the workman were given on 15-06-1993 on which date prosecution led his entire evidence. Due to this reason, the workman could not effectively prepare his defence. However, the proceedings reflect as these documents were supplied to the workman earlier because the Inquiry Officer and the Presenting Officer assured him the same will be supplied in due course.

That the Inquiry Officer was throughout in the inquiry proceedings acted as an agent/prosecutor on behalf of the management as on several occasions he did not allow to cross examine prosecution witness nor he allowed the workman to lead his defence witnesses as per law.

That the findings of the Inquiry Officer are perverse as the same are not based on evidence and material available on record. The Inquiry Officer intentionally and deliberately has not considered at all the representation/reply of the workman dated 17-08-1992. Had the management

considered the said representation, the fact that the workman was present on duty in the second half of 9-6-1992 would have been proved beyond doubt.

That even otherwise, the finding of the Inquiry Officer is bad in law as the Inquiry Officer has taken a very technical approach while appreciating the statements etc. Not only this the Inquiry Officer misdirected himself when he observed that the workman has not proved that he was present on duty on the second half of 9-6-1992. He has overlooked the fact that the prosecution has to stand on his own legs. He has further misdirected himself when he believed the statement of Mr. S.K. Bhattacharjee, PW-1 whose statement cannot be treated as independent statement as he himself was equally involved in the controversy. The Inquiry Officer further misdirected himself when he did not give due weightage to the statements of defence witnesses who stated that Mr. Bhattacharjee was in a habit of marking absent in respect of the present employees. The Inquiry Officer has further misdirected himself when he treated the alleged cause of charge sheet as a charge and recorded a finding of the charge established. The charge against the workman was that he and Mr. Amiya Kumar indulged into heated argument in loud voice and there was no charge in the above mentioned charge sheet that the workman remained unauthorisedly absent in the second half of 9-6-1992. Therefore, the Inquiry Officer has exceeded his jurisdiction when he held the workman guilty on the charge which to mention that even in the charge sheet in question the management has treated the workman as on leave and not absent from duty in the second half of 9-6-1992. Moreover, the Inquiry Officer has not appreciated at all the fact that the management, even otherwise, not only treated the workman as on leave in the second half of 9-6-1992 but also paid him wages thereof.

That the management has not issued any charge sheet or charges to the workman under Rule 4(17) of the General Insurance (Conduct, Discipline and Appeal) Rules, 1975 which deals with unauthorized absence of an employee and so there was no occasion for the workman to establish his defence in this regard.

That, surprisingly, the competent authority did not agree with the findings of the Inquiry Officer in regard to the charge in which he held the workman not guilty or charge not proved. The said authority also in connivance with his immediate subordinate officers Shri Amiya Kumar and Shri S.K. Bhattacharjee held the charge proved against the workman and to arrive this conclusion he totally relied on the statements of these officials. He did not consider the findings of the Inquiry Officer that these officials were in a habit of improper marking in the attendance register. He has also not considered the glaring inconsistency in the statement of PW-1 and PW-2 in this regard. He has also neither considered nor appreciated the fact that all the office staff in their statement complained against these officials. He has also misdirected himself when he observed that

none of these defence witnesses were present in the office or when he observed that the incident did not take place in his presence. He overlooked the fact that the said office is relatively a small office and generally all the employees in the office are aware of the incidents taking place within the office premises. He also legally and factually misdirected himself when he observed that the workman did not appear in the witness box as his own witness whereas the Inquiry Officer has observed that the workman has given a detailed statement in his defence on 16-8-1993 which was recorded by him. The competent authority has also failed to appreciate the representation of the workman dated 17-8-1992. The competent authority had no material before him to hold him guilty.

The competent authority has accepted the findings of the Inquiry Officer on the second alleged charge. He also failed to appreciate that there was only one charge which has been dealt with by the Inquiry Officer as well as by him as Charge No.1. He failed to appreciate that the Inquiry Officer has misdirected himself when he treated the cause of alleged incident as the charge and gave a finding on that. He failed to appreciate the alleged Charge No.2 was never a charge in the charge sheet. He also failed to appreciate that the Inquiry Officer has exceeded his jurisdiction by giving a finding on the charges of which was not a charge in the said charge sheet. He further failed to appreciate that right from charge sheet till the disposal of the Inquiry, the workman was treated on leave in the second half of 9-6-1992.

That the competent authority has not given any opportunity whatsoever of being heard to the workman before issuing order dated 26-9-1994.

That the workman has been victimized by the management by adopting unfair labour practice just because the workman raised objections against Shri S.K. Bhattacharjee who marked the workman on leave in the second half of 9-6-1992 instead of marking him present despite that the workman was present through out the day. When the workman in the most humble manner tried to approach the superior authority of Mr. S.K. Bhattacharjee i.e. Mr. Amiya Kumar. Shri Amiya Kumar who is known to be very close to Mr. S.K. Bhattacharjee tried to dismiss the workman without hearing him. When the workman insisted upon that Mr. Amiya Kumar should at least give him hearing, Mr. Amiya Kumar started shouting at the workman with the object of demoralizing him. The story continued and even the competent authority in a desperate attempt to give shelter to the erring officials i.e. Mr. Amiya Kumar and Shri S.K. Bhattacharjee held the workman guilty and punished him for no fault on his part. Not only this the management has not released his annual increments to which he is, otherwise, entitled since 11-6-1992 till date. The workman could not initiate action into the matter as he was going through lot of mental agony and pain and also due to financial constraints.

That the workman has not committed any act which may constitute any misconduct in Rules or Law or otherwise. That the workman was placed under suspension on 11-6-1992 without any valid reason and only with the object of victimizing him. That prolonging the suspension period unreasonably and paying him subsistence allowance without revised DA from time to time was with the object to coerce the workman. That issuing the charge sheet and taking disciplinary action only against the workman and leaving other official out of it is hit by Article 14 of the Constitution of India.

That the demand notice was served upon the management by registered A/D post vide communication dated 1st May, 1997 duly received in the office of the management but no reply has been received and it is presumed that the demand has been rejected. Thereafter an industrial dispute was raised by filing a statement of claim before the Conciliation Officer. Conciliation proceedings were initiated but resulted in failure because of the adamant and non cooperative attitude of the management. Hence, this reference.

The management has filed written statement. In the written statement it has been stated that as per the term of reference the dispute relates to the penalty imposed on the workman. The said dispute thus is only an individual dispute. It was never converted into an "industrial dispute" as the said dispute was never taken up by the Union and/or workmen of National Insurance Company Limited and/or workmen of the establishment where the workman was posted. The Government, therefore, had no jurisdiction to make the reference.

That the dispute referred is not an "industrial dispute" therefore, this Ld. Tribunal has no jurisdiction to entertain the reference and/or adjudicate the same.

That as per the recital in the reference order the alleged dispute is between the National Insurance Company Limited and its workmen. Without prejudice to its contention that the alleged dispute was never taken up and/or espoused by the workmen of the Company and/or establishment of the Company. It is submitted that no statement of claim has been filed by the workmen of the company and/or establishment. In view of that, the reference order may be answered against the workmen.

That the statement of claim has been filed by the workman through the Delhi Labour Union. As the workman is not a party to the dispute, as per the reference order, the said statement of claim is liable to be rejected/ignored.

Moreover, Delhi Labour Union is not a union of the workmen of the Company and/or of the establishment. The workmen of the Company including concerned workman have their union. Under the circumstances the said union could have espoused and/or taken up the dispute. As mentioned above, the said reference is without jurisdiction and is liable to be quashed.

It is submitted that the workman was appointed on compassionate grounds as a Record Clerk w.e.f. 10-1-1984 on probation. As per the promotion policy he was promoted as an Assistant on 18-8-1987 and was confirmed on the post of Assistant w.e.f. 18-2-1988. Thereafter, on the application of the workman he was converted to Data Entry Operator and training was given to him. It is denied that he has unblemished and uninterrupted record of service to his credit. It is submitted that the workman was placed under suspension vide order dated 11-6-1992. He was served with a memorandum and statement of allegations (hereinafter called the charge sheet) vide communication dated 16/30-7-1992. The workman has reproduced a portion of the contents of statement of imputations, it is submitted that the statement of imputations and the charge sheet may be referred to in this context. The workman submitted his explanation to the charge sheet, which was found to be unsatisfactory. The management thereupon decided to hold an inquiry and appointed Mr. Satish Kaushik as Inquiry Officer, who conducted fair and proper inquiry following the principle of natural justice and giving full opportunity to the workman to defend himself.

It is admitted that the Inquiry Officer submitted his report dated 21st October, 1993 to the competent authority. As the para under reference relates to the contents of the said report, it, therefore, I prayed that the Inquiry officer's report may be referred to in this context. A copy of the said report was given to the workman who made his submissions on the said report to the competent authority. It may be mentioned that two charges were leveled against the workman :—

1. Riotous or disorderly or indecent behaviour in the premises of the Company.
2. Commission of an act subversive of discipline or of good behaviour.

It is submitted that the Inquiry Officer held that the Charge No. 2 has been proved. It is submitted that according to the management, Charge No. 1 also has been proved. The management witnesses made written statements dated 11-6-1992; P-2 and P-3 and they have confirmed their statement before the Inquiry Officer. Shri Bhattacharjee, MW1 was the only eye witness of the incident and he submitted that there were heated arguments between the workman and the DM. Therefore, the testimony of Shri Bhattacharjee clearly shows that the workman used the language mentioned in the statement of allegations against the Divisional Manager. It is, however, denied that the charge which was not the part of the memorandum of charges was held to be proved. It is submitted that the charge No. 2 namely "commission of any act subversive of discipline or of good behaviour" was held to be proved by the Inquiry Officer. It has been held by the Inquiry Officer that the workman was not present in the office in the 2nd half on 9-6-1992 because none of the witnesses of the

workman stated that the the workman was present in the office in the 2nd half on 9-6-1992. The evidence given by Shri Bhattacharjee, MW1 was not contradicted by any of the witnesses produced by the workman. It is further submitted that there was no procedural irregularities in the inquiry proceedings. The workman was given full opportunity to defend himself. It is also denied that the Inquiry Officer was having biased attitude and there was any manipulation of records by the officials of the management. It is further denied that there was any victimization and unfair labour practice on the part of the management.

It is denied that the workman raised any objection to the punishment imposed by the competent authority. The management has not received any representation from the workman. It is also denied that the action of the management of issuing suspension order, holding inquiry and imposing penalty of reduction in basic pay and treating the period of suspension not spent on duty is amounting to victimization and unfair labour practice. It is submitted that looking into the gravity of charges the competent authority awarded lesser punishment. It is submitted that during the suspension period the workman was paid full suspension allowance which payable to the workman were according to the rules.

It is submitted that the suspension of the workman is not the subject matter of the dispute and/or the reference order. Under the circumstances any submissions made in reference to the suspension order thus are liable to be ignored.

That without prejudice to what has been stated above, it is submitted that facts and circumstances warranted placing the workman under suspension. It is submitted that in view of the charges leveled against the workman viz. his behaviour toward that head of the establishment, it was necessary that the workman should be placed under suspension so as to avoid any further indiscipline and/or spoiling of working atmosphere of the establishment. It is also denied that the workman was not in a position to influence the disciplinary proceedings. The workman knows English language. He was working as Data Entry Operator and was working on Computers in English. However, the Inquiry Officer at the request of the workman conducted the proceedings in Hindi and evidence of defence witnesses were also recorded in Hindi and workman was permitted to place his case in Hindi.

It is denied that the workman was not paid proper subsistence allowance. He did not raise any such objection at any time during the inquiry. It is also denied that the workman could not defend himself in the inquiry proceedings. It is submitted that the workman was paid all the allowances admissible to him during the suspension period and the never objected during the inquiry proceedings, therefore, he now is estopped from raising any such objections.

It is denied that the documents were given to the workman on 15-06-1993 and he could not prepare his defence effectively. It is further submitted that all the documents which were relied upon by the management were duly supplied to the workman well in advance. The workman has made a representation dated 16-06-1993 which was received by the Inquiry Officer on 22-06-1993. In the said representation, it was not mentioned that the documents were supplied on 15-06-1993. Objection is an after thought. Assuming, though not admitting, that the copy of documents were received late by the workman, he could have asked for more time on 15-06-1993 and the cross-examination of MWs could have been deferred.

That the allegations made are general and lack in particulars and, therefore are liable to be ignored. It is denied that the Inquiry Officer acted as an agent/prosecutor. It is also denied that the Inquiry Officer did not allow cross examination of the management's witnesses and nor he allowed the workman to lead his evidence. It is mentioned that the workman had cross examined MWs and examined six witnesses in his defence and cross examined the management witnesses.

It is denied that the findings of the Inquiry Officer in respect of Charge No.2 are perverse as the same are not based on evidence and material available on record. It is further denied that the Inquiry Officer intentionally and deliberately has not considered the representation dated 17-08-1992. It is submitted that the Inquiry Officer had considered all material available on record. Neither the representation dated 17-08-1992 nor any witness produced by the workman proved that Shri Gupta was present in the office in the 2nd half of 09-06-1992.

It is denied that the Inquiry Officer has taken a very technical approach while appreciating the statements etc. and/or that his findings in respect of Charge No.2 are bad in law. It is submitted that the Inquiry Officer rightly appreciated the statements of the witnesses produced by the workman as well as the management.

Neither the witnesses produced by the workman nor he himself has stated in their evidence that he was present in the office in the 2nd half of the 09-06-1992, whereas MW-1, Shri Bhattacharjee categorically stated in his statement made on 11-06-1992 that Shri Sanjeev Kumar Gupta was not present in the office in the 2nd half of 09-06-1992. It is further denied that the Inquiry Officer could not have believed Shri S. K. Bhattacharjee. It is also denied that the statement of Shri Bhattacharjee cannot be treated as an independent statement. It is submitted that none of the witnesses produced by the workman controverted the statement of Shri Bhattacharjee regarding absence of the workman in the 2nd half of 09-06-1992. It is also denied that the Inquiry Officer did not give due weightage to the statement of defence witnesses and Inquiry Officer misdirected himself when he treated the cause of charge

sheet as a charge and recorded a finding on the charge against the workman. It is submitted that in the 3rd para of the statement of allegations, it has been mentioned that "it has been reported that on 09-06-1992 Mr. Gupta had marked as on leave in the 2nd half of 09-06-1992. He did not report for duty on 10-06-1992". It is clear from the statement of allegations that it was specific allegation against the workman that he was absent from the office in the 2nd half of 09-06-1992 and the Inquiry Officer held that the Charge No.2 has been proved because there is no evidence on record to show that the workman was present in the office in the 2nd half of 09-06-1992. It is denied that the Inquiry Officer exceeded his jurisdiction in holding that charge No.2 has been proved. It is also denied that in the charge sheet the management has treated the workman on leave and not absent from duty in the 2nd half of 09-06-1992.

It is denied that the statement of imputations contained allegations of absence of the workman in 2nd half of 09-06-1992. The charge thus was leveled against him on this account and the same was held to be proved. It was not necessary that he should have been charged under Clause 17 of Rule 4 of CDA Rules. It is submitted that unauthorized absence of the workman was not the only charge against the workman.

It is submitted that the competent authority did not agree with the findings of the Inquiry Officer in regard to Charge No.1. According to the competent authority Charge No.1 was also proved by the evidence including the statement of Shri Amiya Kumar and Shri Bhattacharjee as well as the report submitted by them. On the other hand none of the defence witnesses were present in the Chamber of Mr. Amiya Kumar and therefore, were not eye witnesses. They, therefore, could not have been believed on charge No.1. It is also denied that the competent authority misdirected himself when he observed that the workman did not appear in witness box. It is submitted that the workman had filed written arguments dated 16-08-1993 and he never appeared as witness. In case he appeared as a witness the management could have cross examined him. It is also denied that the competent authority failed to appreciate the representation dated 17-08-1992 and there was no material before the competent authority to hold him guilty.

It is denied that there was only one charge. It is submitted that the Inquiry Officer in his report dated 21-10-1993 stated that the Charge No.2 "commission of any act subversive of discipline" as has been proved and part of Charge No.2 "or of good behaviour" was held to be covered under charge No.1, therefore, it is wrong to say that it was dealt by the Inquiry Officer as Charge No.1. It is also denied that the competent authority failed to appreciate that the Inquiry Officer has misdirected himself when he treated the cause of alleged incident as the charge and Charge No.2 was never a charge in charge sheet. It is also denied that the Inquiry Officer exceeded his jurisdiction by

giving a finding on the charges which were not a part of the charge sheet.

It is denied that the workman was not given any opportunity of being heard. It is submitted that a copy of Inquiry Report was forwarded to the workman *vide* letter dated 3/8 November, 1993 for his representation on the Inquiry Officer's report. The workman submitted his representation dated 20th December, 1993 which was considered by the competent authority.

It is denied that the workman was victimized by the management by adopting unfair labour practice. It is wrong and hence denied that the management had committed any unfair labour practice. It is also denied that Shri Amiya Kumar tried to dismiss the workman without hearing him. It is submitted that the workman was heard patiently by Shri Amiya Kumar and he never shouted on the workman. It was Mr. Gupta who had shouted on Mr. Amiya Kumar when he found that Mr. Amiya Kumar is not favouring his version. It is also denied that the competent authority gave any shelter to any officials. It is also denied that the management has not released his increments. It is submitted that all the benefits which were admissible to him were given to the workman.

It is denied that the workman has not committed any act which may constitute any misconduct in rules of law. It is denied that the workman was suspended without any valid reason, only with the object to victimize him. As mentioned above the said allegation beyond the term of reference and, therefore, cannot be entertained and/or adjudicated upon.

The workman has filed rejoinder. In his rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard arguments from the side of the workman and the counsel of the management and perused the papers on the record.

The workman submitted that proper and specific charges have not been framed against him. The workman was marked ½ day 2nd half and absence without information. No charge has been framed the absence without information against the workman.

From perusal of the General Insurance (Conduct, Discipline & Appeal) Rules, 1975, it transpires that misconduct on account of absence without information has been defined in 4.17. No specific charge has been framed under 4.17. The charges framed are under 4.12 and 4.20. So there is no charge of absence without information against the workman and still the Inquiry Officer has held Charge No. 2 proved.

The workman submitted that the charges are under 4.12 and 4.20 regarding misconduct in respect of disorderly or indisciplined behaviour and act subversive of discipline or of good behaviour. Charge No. 1 & 2 relate to behaviour and action of an employee. The following charges have been framed against the workman :—

1. Ritious or dis-orderly or indecent behaviours in the premises of the bank.
2. Commission of an Act submersive of discipline or of good behaviour.

Charge No. 1 : The inquiry Officer has found Charge No.1 not proved. He has given his findings as hereunder :—

"The perusal of statements P-2 and P-3 and evidence of the management witness recorded on 15-06-1993 reveals some discrepancies and contradictions which have also been highlighted by the defence. For instance, Shri Amiya Kumar in his statement dated 11-06-1992, which has been marked as P-2, has stated that during the entire incident, Shri S.K. Bhattacharjee, A.O. was also present in his Chamber and had witnessed the same. In other words, as per Shri Amiya Kumar's version, Shri Bhattacharjee was a witness to the threats alleged to have been given by the C.S.E. to Shri Amiya Kumar. The harsh and threatening language alleged to have been used by the C.S.E. and which has been recorded in Hindi in the statement marked P-2 starts with "Main Dekh Loonga " And runs into 70 odd words whereas in his statement dated 11-06-1992, Shri S.K. Bhattacharjee has said that after much heated verbal arguments, Shri Gupta (C.S.E.) came out of the cabin and Shri Bhattacharjee has further stated that before coming out of the cabin he heard Shri Gupta saying "Main Dekh Loonga " to the Divisional Manager. This statement of Shri Bhattacharjee reveals that the words "Main Dekh Loonga" were used by Shri Gupta at the end of the entire incident whereas in the statement of Shri Amiya Kumar these words are the opening words of the entire threatening language alleged to have been used by Shri Gupta. However, Shri Bhattacharjee in his evidence recorded on 15-06-1993, while answering Q.No.6 raised by the C.S.E. during cross examination, has stated that he was silently listening to the heated arguments going in between both the parties and he did not intervene. Now the term "Heated Argument" used by Shri Bhattacharjee during his evidence gives an impression that it was a bilateral process and not a unilateral one i.e. both the persons were having heated arguments and were talking in raised voice. Moreover, I also feel that since there is no independent witness available who would verify the entire threatening language alleged to have been used by the C.S.E. Therefore, I am inclined to give the benefit of doubt on this point to the C.S.E.

The Inquiry Officer by the categorical findings has held that the argument in the cabin of the Divisional

Manager was a bilateral process and not a unilateral one. Both the persons were having heated argument and were talking in raised voice.

It has been further held by the Inquiry Officer that there is contradiction in the statement of both the witnesses regarding language used in the cabin. The Inquiry Officer did not find that the C.S.E. has used the language "Main Dekh Loonga, Kiske Gurde Mein Kitna Dum Hai". The Inquiry Officer found the charge not proved. So, the Inquiry Officer after a thorough analysis of evidence came to the conclusion that the conversation of the management regarding conversation/heated argument in the cabin of the Divisional Manager is not correct. So he held the Charge No.1 not proved.

The Disciplinary Authority dis-agreed with the findings of the Inquiry Officer and held Charge No.1 also proved.

It is settled law that the Disciplinary Authority has discretion to differ with the findings of the Inquiry Officer. There is no dispute about it. The Disciplinary Authority has held as under: -

"In his defence Shri Gupta has examined S/Shri Jaswant Singh, Girish Gandhi, T.K. Chadha, Bijender Singh, Satya Narain and Smt. Manju Nagpal who appeared as defence witness. None of these witnesses were present in the Divisional Manager's cabin when the incident took place. Fair evidence, therefore, is not relevant with regard to the incident in question. Shri Gupta himself did not appear in the witness box as his own witness. Under the circumstances no defence evidence has been produced by Shri Gupta to prove his defence or to contradict the management's evidence. In spite of the cross examination of Shri Bhattacharjee and Shri Amiya Kumar, Shri Gupta had not been able to shake their testimony. In view of the above, I am, therefore, of the view that Charge No.1 viz. usage of threatening language by Shri Gupta to the Divisional Manager by using the words "Main Dekh Loonga Key Kiskay Gurdey Main Kitna Dum Hai" has been proved. Accordingly, I differ from the findings of the Inquiry Authority of the said Charge No.1.

The Disciplinary Authority found Charge No.1 proved as in his views Shri Gupta in his defence has not examined any witness regarding the incident in the cabin. He did not himself appear in the witness box as his own witness. As such, there is no defence evidence and the evidence of the management is to be relied upon.

From perusal of the Inquiry Report it becomes quite obvious that the C.S.E. has examined himself and the Inquiry Officer has reduced his oral statement in writing and the management has not cross examined the C.S.E.. In the circumstances the version of the C.S.E. would prevail.

The Inquiry Officer has mentioned in his findings that the management version is not believable in view of contradictions and discrepancies highlighted by the defence. He considered the evidence of defence in his findings on Charge No.1. It appears that the Disciplinary Authority took a mayopic view of the findings of the Inquiry Officer. The Inquiry Officer has given his findings in view of contradictions and discrepancies as highlighted by the defence. There is defence evidence i.e. the evidence of the C.S.E. in inquiry and all the witnesses have admitted that the C.S.E. was orally examined by the Inquiry Officer. The Disciplinary Authority deliberately overlooked it and he held Charge No.1 Proved as the C.S.E. has not examined himself. The findings of the Disciplinary Authority are perverse, based on no evidence.

The Inquiry Officer at the proceedings of inquiry dated 16-08-1993 has specifically mentioned that the C.S.E. examined himself and he recorded the oral statement of the C.S.E.. So the findings of the Disciplinary Authority are absolutely perverse as the sole ground for his finding is that the C.S.E. did not appear in the witness box so the evidence of the management will prevail.

The workman submitted that the parties adduced additional evidence in support of their case in the Tribunal as well. The Divisional Manager, Shri Amiya Kumar and Shri S.K. Bhattacharjee examined themselves. MW I, Shri Amiya Kumar, Divisional Manager appeared and he stated that it is true that the oral evidence of the C.S.E. in the inquiry proceedings dated 16-08-1993 Page No.3, Para-2 EX.WWI/16 is in Hindi as per record. So this witness admitted that the C.S.E. examined himself on 16-08-1993 and his version of the incident was recorded by the Inquiry Officer. Shri Amiya Kumar has categorically admitted on Page 2 of his cross examination which is as under : —

"From perusal of the Inquiry Proceedings dated 16-08-1993 it is obvious that the oral statement of the workman was recorded by the Inquiry Officer. I was not present on that date. I have given this statement after going through the inquiry proceedings dated 16-08-1993."

It transpires from perusal of the statement of the witness, Shri Amiya Kumar that the Inquiry Officer has received the written statement of the workman regarding the charges. He has further stated that from perusal of the inquiry proceedings dated 16-08-1993 it is obvious that the oral statement of the workman was recorded by the Inquiry Officer.

Thus, the witness Shri Amiya Kumar has admitted twice that the Inquiry Officer recorded the oral statement of the C.S.E. in his defence and the C.S.E. has filed his written statement on 17-08-1992. The Inquiry Officer has also recorded the oral statement of the C.S.E. in his defence. The management dared not cross-examine the C.S.E. on his oral defence evidence as well on his written statement

dated 17-08-1992. So the finding of the Disciplinary Authority that the C.S.E. Shri Gupta did not enter into the witness box during the course of inquiry is absolutely false. By no stretch of imagination he can hold that Charge No.1 stands proved though he has every right to disagree with the findings of the Inquiry Officer.

The workman further submitted that in such circumstances, it is to be believed that his version has gone unrebutted and his version has been proved in the inquiry proceedings. The C.S.E. has given his own version of the conversation in the cabin of Shri Amiya Kumar, Divisional Manager which is as under: -

"When I complained against Shri S. K. Bhattacharjee regarding marking me absent while I was present Shri Amiya Kumar said "please do not spoil my time in such trivial matters I have an appointment with DCM, I have to go" and Shri Amiya Kumar was engaged in making calls on telephone. The workman was neglected by Shri Amiya Kumar and he kept silent and then the workman said "Ok Sir if you have to go to DCM I shall request you after sometime. The matter which is trivial to you is not so trivial". Then Shri Amiya Kumar threw the telephone receiver and said, see you need not enter into unnecessary talks with me. You can hang either him or me". The C.S.E. then said "Ok in case there is matter of hanging kindly get the register sealed and get the matter inquired." Shri Amiya Kumar said, "do you understand that I am your sub- ordinate. It may be you may be sealed instead of the register. Go away, there has been too much, you may do whatever you like. You may report to CMD." The C.S.E. came away silently. The document dated 17-08-1992 page B-259 to 261 has been admitted by the management. The management has admitted that the C.S.E. has given his own version of conversation and this version has been made part of the inquiry.

The workman submitted that Shri Amiya Kumar treated all the Class - III & IV employees as slaves and he threatened the C.S.E. to be sealed instead of sealing of the register. The workman has examined witnesses in his defence. Shri .Girish Kumar, DW has stated that the workman did not misbehave with any employee during the entire course of posting in that office. Shri T.K. Chadha has stated that his behaviour was quite disciplined with all the employees and the officers and none ever saw or heard the C.S.E. misbehaving either with any official or with any officer. These witnesses have stated categorically that the behaviour of the workman along with all other officials and officers was polite and civil. These witnesses have not been cross examined by the management. These witnesses have neither heard nor seen the C.S.E. behaving rudely and arrogantly behaving with any officials or officers.

Smt. Manju Nagpal has been examined as defence witness and she has also admitted that the behaviour of the C.S.E. was quite normal and decent with the officials and the officers of the department. She has also stated that

Shri S.K. Bhattacharjee marked her on leave while she was on duty. Shri Vijender Singh has also stated that he has neither seen nor heard of indecent behaviour of the C.S.E.. He has further stated that allegations made against the C.S.E. by Shri Amiya Kumar do not appear to be true. He behaved with Class - III & IV employees as if they were his slaves. There is no cross examination on this point by the management. Shri Sat Narain has also stated that he was wrongly marked absent while he was on duty by Shri S.K. Bhattacharjee.

From perusal of these defence witnesses it becomes quite obvious that Shri Amiya Kumar behaved rudely with Class - III & IV employees and he treated all the Class - III & IV employees as slaves. There is no cross examination on this point of any defence witnesses. Shri S.K. Bhattacharjee used to mark the employees on leave or absent whereas they were on duty.

The workman has further submitted the management witness has admitted that the cabin was small one and there were rooms of Steno and other Officers which were just adjacent to the door of the cabin. It is but natural that if the C.S.E. should have used loud and rude tone the others would have come.

It was submitted from the side of the management that the conversation was not audible to the Officers and Steno who were just adjacent to the door of the small cabin of Shri Amiya Kumar. In case the conversation was not audible the workman cannot be imputed of arrogant behaviour and loud voice.

It is of course true that the discipline should be maintained at any work place but the DM cannot be permitted to treat Class - III & IV employees as slaves and behave with them rudely and indecently.

It was further submitted from the side of the management that the C.S.E. has not examined any employees who was the witness to the conversation in the cabin. The workman submitted that Shri Amiya Kumar had a region of terror so none dared come in support of the C.S.E.

The workman submitted that the Inquiry Officer disbelieved the version of conversation and held Charge No. I regarding misbehaving by the C.S.E. in the Cabin not proved. He has given cogent and sufficient reasons for his findings. The findings of the Inquiry Officer on this charge are not assailable.

The Disciplinary Authority found the Charge No. 1 proved as the C.S.E. has not examined himself in defence. The findings of the Disciplinary Authority is perverse as it is admitted case that the C.S.E. was orally examined in his defence and there is no cross-examination. So the findings of the Disciplinary Authority on Charge No. 1 are also perverse. Charge No. 1 is not proved on consideration of the entire evidence adduced in the inquiry and in the Court.

The workman submitted that the management has examined Shri Amiya Kumar and Shri S.K. Bhattacharjee. Shri S.K. Bhattacharjee during his cross examination has

not confirmed the version of the conversation as alleged by Shri Amiya Kumar rather he has impliedly admitted the version of the conversation of the workman.

"I cannot say whether Amiya Kumar said "Do not waste my time over such petty matters. I have an appointment and have to go to DCM." When the workman complained to him regarding his fake marking of absence."

"I cannot say whether the workman said "Ok Sahab, when you have to go to DCM, then I would talk later on but the matter you are stating petty matters and ignoring me are not so small matters."

"I cannot say whether Shri Amiya Kumar apparently ignored the workman."

"I cannot say whether Shri Amiya Kumar said to the workman "see, there is no need to talk with me unnecessarily. You can hang either me or him."

"I cannot say whether the workman said to me, it is alright when it is the matter of hanging then you get the register sealed and get the inquiry of this case done."

"I cannot say whether Shri Amiya Kumar said to the workman what do you understand am I under your control. It might not happen that you yourself could be sealed, leave and it is enough now whatever you want you can do and if wish go and report to CMD."

"It is correct that after the incident the workman immediately gave an application for leave to Divisional Manager to go to Delhi Regional Office."

"It is correct that above application dated 11-06-1992 was received and sanctioned by the Divisional Manager."

These statements of the witness Shri S. K. Bhattacharjee in his cross-examination go a long way to prove that he has impliedly admitted the version of the conversation as alleged by the C.S.E..

This witness has evaded the question of the workman by saying I cannot say. He has not denied specifically the version of the conversation of the workman. Lack of knowledge is no evidence. The question should not be evaded by saying I cannot say. This witness was present in the cabin of Shri Amiya Kumar at the time of incident. He heard the entire conversation; still he has not denied the version of the conversation as put forth by the C.S.E.. He should have specifically and vehemently denied the version of the conversation of the workman. Thus, this witness has impliedly affirmed the case of the workman. Thus, it is proved that the workman has not used the words/un-parliamentary language to Shri Amiya Kumar in his cabin as alleged.

The workman has submitted that both the witnesses Shri Amiya Kumar and Shri Bhattacharjee were asked to produce the language used by the workman in the cabin in its sequence as per written complaint. These witnesses expressed their inability to reproduce in sequence the

language used by the workman. This indicates that un-parliamentary language imputed on the workman is concocted and after thought.

After the conversation the C.S.E. submitted application to Shri Amiya Kumar and Shri Amiya Kumar permitted him to go to the Delhi Regional Office. This also suggests that the workman did not misbehave with Shri Amiya Kumar in that case he would not have permitted him to go to the Regional Office.

I have given a thorough consideration to the findings of the Inquiry Officer and the Disciplinary Authority and evidence adduced in the Court. The Inquiry Officer found Charge No.1 not proved. The Disciplinary Authority found it proved illegally on the plea that the workman did not examine himself in defence. His view is absolutely wrong. The workman has examined himself in inquiry in his defence. The findings of the Inquiry Officer are absolutely correct. I also found Charge No.1 rather dis-proved.

Charge No. 2 : The workman submitted that no charge has been framed regarding his absence or ½ day 2nd half. The Inquiry Officer has found Charge No.2 proved. Charge No.2 reads as under :—

"Commission of an Act subversive of discipline or of good behaviour." So Charge No.2 is not regarding absence without leave.

It was further submitted that the charge should be specific. It should not be vague. It is settled law that no punishment can be imposed on I vague charges. Charge No.2 is regarding discipline and good behaviour and not regarding absence without information. So there is no charge of absence without information.

The workman further submitted that there has been interpolation and forgery in the register dated 09-06-1992. It was submitted that there are attendance rules. As per attendance rules EX. MW2/1 normally the employees shall not leave the office before expiry of the office time. However, they may be allowed to leave the office early on written request duly sanctioned by the competent authority.

Shri S. K. Bhattacharjee marked the employees ½ day 2nd half but no application of the workman has been filed on the record. The employee has not made any submission in writing seeking half day leave. It is admitted case that he has been granted leave and the same has been debited from his leave account.

It was submitted that the employee was not absent in the second half. He was very much present all along the day. Shri Bhattacharjee used to mark the employees absent deliberately. The defence witnesses have stated that Shri S. K. Bhattacharjee was in the habit of marking absent even while the employees were present. So despite the fact that the workman was present Shri Bhattacharjee has marked him ½ day 2nd half only with a view to harass and victimize the workman. That is why no charge has been framed regarding absence.

It was further submitted that when Shri Bhattacharjee found himself involved in false marking he added absent without information. The writing ½ day 2nd half and absent without information appear to be written on two occasions. The workman has filed WW 1/M5 the photocopy of the attendance register. It has been written on Sl. No.21½ day 2nd half. It has been written in bold letters. It has been written under it "absent without information". The words absent without information have been written in small letters in view of the short space just below "½ day 2nd half".

DW-1 has stated that when he visited the office after some days he found only ½ day 2nd half written. He did not find absent without information written. So, absent without information was interpolated subsequently when inquiry proceedings were held. So Shri Bhattacharjee has forged absent without information during the course of inquiry. Such conduct of an employee or officer is depreciable. DW-2 has not been cross-examined on his statement that he saw only ½ day 2nd half written when he inspected the register in order to ascertain the matter. It was interpolated after words. There is no cross-examination of this witness. There is even no suggestion that he has falsely stated. So the evidence of DW-1 cannot be discarded. It is found proved that absent without information has been added subsequently. It is visible from two different writings in different letters i.e. "½ day 2nd half" and "absent without information".

The C.S.E. was not absent and the management could not prove it, so, no charge has been levelled on the absence of the workman without information. No leave can be given without his written application as per rules. So it is proved that the C.S.E. was present on that day on the entire office hours. He has been marked ½ day 2nd half illegally and he has been marked "absent without information" illegally.

There is no specific charge regarding absence of the C.S.E. still the Inquiry Officer has held Charge No.2 proved. He has given his findings that the workman has not filed any written application for the second half leave. This finding of the Inquiry Officer is ridiculous. The workman was not absent in the 2nd half on 09-06-1992. So there is no question of his filing application for leave. The management has sanctioned him leave without his application and leave has been debited from his leave account. There is even no charge of absence. There appears to be no sense in holding that the workman has not filed any written application for 2nd half leave. The case of the workman has been all along that he was present the whole day on 09-06-1992. He was wrongly marked, absent without information. He needed not file any application. The Inquiry Officer has given his finding whimsically and without applying his mind. No one can find a charge proved which is not framed. There is no charge of absence. So there is no question of filing of any written application by the C.S.E. for 2nd half leave when he was present all along.

Shri S.K. Bhattacharjee has stated in his cross-examination that he marked the CSE absent without information during the lunch hours at 2.00 PM. Lunch hours are given for the purpose of lunch and it is presumed that an employee may go outside for lunch. There is no question of marking anyone absent in lunch hours. This witness has given false evidence in the Court as well as during the course of inquiry. The defence witnesses have stated that he was in the habit of marking present employees absent.

There is no charge so the Inquiry Officer should not have given any such findings on charge of absence without information. The workman was not absent. There is no charge regarding absence.

"Whereas, on the other hand, in the prosecution case, the P.O. has got atleast one witness i.e. Shri S.K. Bhattacharjee who in response to Q.No.4 of the P.O. has categorically stated that the CSE was not present in the office during the entire second half of 09.06.1992 and I am inclined to agree with the prosecution on this point that the CSE was indeed absent from the office in the second half of 09.06.1992 without any leave and/or authorization."

It appears that the Inquiry Officer was under pressure of the management. He could not hold Charge NO.1 proved. He was constrained to prove some charges so he found Charge No.2 proved which has not been framed against the CSE. The findings of the Inquiry Officer are absolutely perverse. He has established the charge proved on the evidence of Shri S.K. Bhattacharjee who has marked the CSE absent illegally.

It was submitted from the side of the management that technicalities of Evidence Act should not be imported in domestic inquiry. Domestic inquiry is not a trial and that such standard of proof is not required. It is of course true that guilt can be held proved on single testimony. There is absolutely no evidence in this case. The charges are rather disproved.

It has been discussed above that the defence witnesses have stated that Shri Amiya Kumar treated Class-III & IV as his slaves. He was in the habit of rebuking the employees and misbehaving with the employees. He got enraged when the CSE made humble submission regarding his being marked ½ day 2nd half though he was present all along the day.

The workman submitted that Shri Amiya Kumar suspended him second time by way of revenge and an inquiry was held and the Inquiry Officer in that inquiry also found the charge of in-subordination not established. The observations of the Inquiry Officer are very much material regarding the malafide intentions and misbehaviours of Shri Amiya Kumar. The observations of Shri B.K. Bhattacharjee, Administrative Officer/I.O. are as under :—

"Management witness No.3, Shri Amiya Kumar during examination on 30.10.2003 (Annx.-C) in answer of

question No.4 denies any willful disobedience or in-subordination. During his cross examination, in answer to Q.No.3 his answer is evasive and is trying to suppress the facts. During the continued cross examination on 11.11.2003 (Annx.-D) replies to question No.7, 10, 11, 12, 13 & 14 are evasive and trying suppress the truth. The defence charge of malafide on the part of witness No.3 is further strengthened by the fact that the charged employee was transferred to DO II on 14.11.1994 by the Regional Office, but instead of relieving him he was issued a letter dated 14.11.1994 seeking explanation for non-submission of leave application forms. In reply to question No.10 and 12 of the cross examination on 11.11.2003 (Ann.-D) witness No.3 emphasized that it is co-incidence. The fact that the charged employee was suspended on 29.11.1994 after a lapse of 15 days of the above transfer order crystallizes the charge of malafide against the Divisional Manager by the charged employee".

This inquiry report is not relevant to the present case but none the less it is relevant for the conduct of Shri Amiya Kumar. The Inquiry Officer has held that Shri Amiya Kumar, DM suppressed the truth and the CSE has proved the charge of malafides against Shri Amiya Kumar.

The Inquiry Officer in the above inquiry has established malafide intention of Shri Amiya Kumar.

From the above discussions it is established that the workman was marked absent while he was present and he made a polite request to the DM against Shri Bhattacharjee in marking ½ day 2nd half. Shri Amiya Kumar got enraged and he did utter the words which have been mentioned in the written statement of the CSE. Indiscipline at the work place is no doubt very much serious matter. It disrupts the functioning of the office but in the facts and circumstances of the case the CSE was not at fault. Sh. Amiya Kumar the DM behaved indecently with the CSE and Shri S.K. Bhattacharjee marked him absent without information illegally. These two officers have committed acts subversive of discipline.

Charges have been framed with malafide intentions and to harass and punish the CSE. Both the charges are found disproved.

It was submitted from the side of the respondents that there is no proper espousal of the case. There is no proof that the fellow workmen espoused the individual cause. In the instant case espousal is From Delhi Labour Union. This Delhi labour Union is not a recognized union of the respondents. My attention was drawn to 1961 Vol. II LLJ Page 436, 1992 (1) LLJ Page 634 at Page 365. The Hon'ble Apex Court no doubt has held that individual disputes cannot become industrial disputes in the absence of proper espousal. It has been further held by the Hon'ble Apex Court that in the absence of espousal the reference of the dispute will not assume the character of industrial dispute within the meaning of Section 2 K of the ID Act. The law

laid down by the Apex Court is not applicable in the facts and circumstances of the present case as section 2 (A) has been inserted by Act No.35 of 1965 for S-3 w.e.f. 01-12-1965. The ratio decision of the Hon'ble Apex Court relates back to 1965. Sections 2 k, 2 S and 10 of the ID Act, 1947 has been referred to in the judgment cited above. By that time a new Section 2 (A) has not been inserted by the legislature in the ID Act, 1947. The plea of espousal is invariably taken in every case by the respondents. There is no need of espousal in individual case in view of Section 2(A) which reads as hereunder :—

"Dismissal etc. of an individual workman to be deemed to be industrial dispute." In view of the insertion of Section 2 (A) an individual dispute shall be deemed to be an industrial dispute. No espousing for individual dispute is required. The plea of espousal should not have been taken by the respondents in view of newly inserted Section 2 (A) in the ID Act, 1947. In the facts and circumstances the law cited by the respondents is not genuine in view of insertion of Section 2 (A) and in view of the facts and circumstances of the instant case. The law cited by the respondents on this plea of espousal is not applicable in the instant case. The Union is a recognized one and the workman is member of this Union.

From the above it is established that the workman did not commit any misconduct still he was illegally suspended. The General Insurance (Conduct, Discipline and Appeal) Rules, 1975 for all the employees, illegal suspension is to be viewed seriously. It demoralizes an employee and tarnishes his image in the public and his family also. Irreparable mental agonies are caused by illegal suspensions. Sometimes out of disgust and desperation, some employees have killed themselves or have attempted to kill themselves. The CSE was suspended without any ground. He has been falsely involved in the conversation of the cabin. Shri Bhattacharjee has marked him absent without information though he was present all along that day.

In the instant case shri Bhattacharjee and Shri Amiya Kumar are guilty of disorderly or indecent behaviour. The workman has not committed any act subversive of discipline or of good behaviour. He is absolutely innocent. He has been falsely implicated out of malice.

The Inquiry Officer and the Disciplinary Authority have biased attitude. The Inquiry Officer found the workman guilty of charge of absence without information whereas no such charge has been framed. He has established the charge which has not been leveled against the CSE in order to victimize and harass him in collusion and connivance of the management.

The Disciplinary authority has established Charge No.1 proved on wrong assumption. The Inquiry Officer has found Charge No.1 not proved. This reflects the biased attitude even of the Disciplinary Authority.

In the instant case an innocent employee has been suspended and charge sheeted without any misconduct. This is a case of no evidence. The charges are rather disproved.

The findings of the Inquiry Officer dated 21.10.1993 on Charge No.2 are set aside. The findings of the Disciplinary Authority dated 26.09.1994 on Charge No.1 are also set aside. The order of the reduction of Basic Pay by two states and the order of treating the suspension period not spent on duty is also set aside. Since the suspension order is illegal and the charges are not proved, the employee is entitled to get his full wages right from the date of his suspension onwards.

In case an employee is suspended illegally he suffers mental agony which cannot be compensated by any amount of money. The management has reduced two increments of the workman illegally and has not paid full wages during suspension period. He is entitled to get an interest of 10% on all the arrears of wages and costs of Rs.10, 000/- for litigation and mental agony undergone by the workman without his any fault.

The reference is replied thus :—

The action of the management of National Insurance Company Limited, New Delhi to impose the penalty on Shri Sanjeev Kumar Gupta, Data Entry Operator vide order dated 26.09.1994 is neither just nor legal. The workman is entitled to get his reduced increments and arrears thereof. He is also entitled to get full wages during the period of his suspension. He is entitled to get 10% interest per annum on all his arrears of wages. He is entitled to get cost of Rs. 10, 000 (Rs. Ten Thousand) for dragging him into forced litigation. The management is directed to make payment of the entire arrears of wages with 10% interest per annum within two months from the date of publication of the award.

Award is given accordingly.

Date: 14.11.2006.

R.N. RAI, Presiding Officer

नई दिल्ली, 20 नवम्बर, 2006

क्र.अ. 4838.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2, नई दिल्ली के पंचाट (संदर्भ संख्या 81/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-11-2006 को प्राप्त हुआ था।

[सं. एल-12012/122/2001-आई.आर.(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 20th November, 2006

S.O. 4838.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 81/2001)

of the Central Government Industrial Tribunal-cum-Labour Court No. 2, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman which was received by the Central Government on 20-11-2006.

[No. L-12012/122/2001-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE THE PRESIDING OFFICER: CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT II, RAJENDRA PLACE,
NEW DELHI**

LD. No.81/2001

PRESIDING OFFICER : R. N. RAI.

IN THE MATTER OF :

Smt. Raj Mala Gupta,
C/o. J. N. Kapoor, 33-34,
Bank Enclave, Ring Road,
Rajouri Garden,
New Delhi-110027.

Versus

The Assistant General Manager,
State Bank of India,
Office Administration Department,
Local Head Office,
11, Parliament Street,
New Delhi-110001.

AWARD

The Ministry of Labour by its letter No. L-12012/122/2001-IR (B-I) Central Government dt. 16-10-2001 has referred the following points for adjudication.

The points run as hereunder:

"Whether the action of the management of State Bank of India in removing the services of Smt. Raj Mala Gupta, Assistant w.e.f. 23-01-1999 is justified? If not, what relief the said workman is entitled to."

The workman applicant has filed statement of claim. In the statement of claim it has been stated that she was appointed on six month's probation as Clerk by the SBI and posted at its Local Head Office, New Delhi vide their appointment letter dated 27-10-1978. As her work and conduct was very good, therefore, she was confirmed in the bank service after expiry of six month's probation.

That the workman had served the Bank for about 20 years very honestly and sincerely. There was no complaint against her work and conduct.

That being an Indian married lady she had to face lot of problems and family responsibilities for which she had to take leave in the recent past for various reasons which were beyond her control.

That the workman had been sending regularly the applications to the management but due to callous and cruel approach of the management the workman was harassed and victimized by way of removal from service.

That the management issued the workman a charge sheet vide letter dated 11-2-1998 for alleged unauthorized absence, under para 521 (4)(f) of the Sastry Award read with para 18:28 of the Desai Award treating the charges as Gross misconduct.

That under the Sastry Award and Desai Award the absence without leave or overstaying sanctioned leave without sufficient grounds has been listed as Minor Misconduct under para 521 (6) (a) of the Sastry Award read with para 18:20 of the Desai Award.

That the workman personally met the disciplinary authority in this case, who told her that the charge sheet and inquiry thereto is a formality to close the file. He asked the workman to cooperate in the inquiry. He specifically and repeatedly assured the workman that the inquiry is only a formality to close the file and no major punishment would be awarded to the workman. He persuaded the workman to get the inquiry closed without contesting the same so that he could close the file by awarding minor punishment. He repeatedly assured that only minor punishment would be given after the inquiry which was only a formality. He further persuaded the workman to plead guilty so that he could deal her case leniently and award minor punishment. The workman faithfully relied on the assurances of the disciplinary authority and acted accordingly. The Inquiry Officer also persuaded the workman on the same lines as of the disciplinary authority.

That the inquiry was conducted by Shri B. Mistry. It was a sham show inquiry. The workman appeared in the inquiry without the assistance of defence representative as the management suggested that appointment of defence representative would not be in the interest of the workman. He would delay the proceedings and create problems which would harass the workman and that the management would not be able to take lenient view if she appoints the union leader as defence representative. Thus the workman was deprived of reasonable and fair opportunity of being defended in the inquiry.

That the workman did not speak anything in the inquiry. The Inquiry Officer wrote the proceedings and the workman was directed to sign the proceedings blindly and she did so without reading it in view of specific assurance of lenient view. The inquiry was completely a sham show and was concluded with a sole motive to close the file as suggested by the disciplinary authority.

That the workman in her anxiety to protect her job was influenced by the management to sign the proceedings of the inquiry on the dotted lines as recorded by the Inquiry Officer. Without doubting the malafide of the disciplinary authority/management and thus fell into their trap.

That the workman was shocked to receive tentative decision from the disciplinary authority vide his letter dated 16-10-1998, tentatively deciding to remove the workman from the bank service which was contrary to assurance given to her.

That the workman again contacted the disciplinary authority and reminded him of his assurances. The disciplinary authority told that it was only a tentative decision. He advised the workman to apologize in reply to show cause notice and he would close the file by awarding light punishment in his final order. The workman followed the advise of the disciplinary authority and submitted apology letter.

That the workman was shocked to receive the final order of removal from the disciplinary authority vide his letter dated 23-1-1999 which was completely contrary to his assurances. The disciplinary authority acted mala fide and induced the workman to fall in his trap. The workman has been victimized by the disciplinary authority.

That the workman on receipt of removal orders contacted the disciplinary authority and reminded him of his assurances. The disciplinary authority told he was helpless as his superiors did not agree for lighter punishment. He, however, suggested to submit the appeal on sympathetic grounds to the General Manager and he would certainly persuade him for lighter punishment.

That the workman submitted her appeal to the General Manager vide her letter dated 23-04-1999 which was rejected by him vide his order dated 26-08-1999.

That the prosecution produced photocopies of some documents in the inquiry and the workman was forced and induced to sign the proceedings on the pretext that the proceedings were being recorded to close the issue.

That no oral evidence was produced to prove the documents or the charges. None of the documents which were management's documents of which the workman had no knowledge could be admitted by her knowingly and willfully to kill herself. This clearly proves that the management induced and forced the workman to sign the Minutes/Proceedings blindly as recorded by the Inquiry Officer.

That in Government of India and various other organizations five years leave without pay is granted to the women staff so that she could handle their family responsibility gracefully.

That in the bank there are large number of cases of male employees who had remained absent for years together but they were not removed from the service of the bank. In cases where such employees were removed from services, were later on reinstated treating their absence as leave on without pay not counting service whereas in the case of workman they have taken a very-very harsh decision and discriminated her being a lady employee. The administration

of the bank is solely in the hands of male officers who are male chauvinist and discriminating towards woman employees. The women employees need special treatment keeping in view of their enormous family responsibilities as required by the society. On the one side Government of India is making liberal rules and special provisions for women in their favour in the matter of reservation of employment, reservation of seats in Panchayats, Local Bodies, Assemblies and Parliament and on the contrary the management of SBI is deliberately discriminating against the women staff.

That the inquiry was a sham show. Principles of natural justice were violated. The workman was very harshly and discriminately treated.

That having failed to get justice at the hands of the management despite repeated requests and representations the workman raised an industrial dispute before ALC(C), New Delhi vide his letter dated 2nd September, 2000. The ALC suggested the management to reinstate the workman but the management did not agree and the conciliation proceedings ended in failure thus this reference.

In the circumstances the removal of the workman from the bank service was unjustified, illegal, mala fide and arbitrary and amounts to unfair labour practice and victimization. The removal of the workman at this age of her life amounts to economic death of the workman which is very-very harsh, highly discriminating, disproportionate and shocking.

In view of the 20 years long service of the workman the said punishment is highly disproportionate, therefore, it should be struck down as in terms of Section 11 A of the ID Act, 1947, the Hon'ble Tribunal has got wide powers and it is also within the competence of the Hon'ble Tribunal 'to interfere with the punishment.

The management has filed written statement. In the written statement it has been stated that the dispute raised by Smt. Raj Mala Gupta is completely devoid of merits and hence liable to be rejected. Smt. Raj Mala Gupta has been found guilty of committing act of gross misconduct by the disciplinary authority after holding free, fair and proper inquiry. The applicant has not in her entire petition assailed the inquiry proceedings. She was failed to point out any defect in the inquiry. As such when the inquiry conducted is free, fair and proper and the misconduct of the applicant has been proved in the inquiry then the applicant is estopped from pleading that she has been wrongly inflicted the punishment of removal from service. The disciplinary authority has inflicted the punishment after apprising the facts and circumstances and the evidence etc., which were proved in the inquiry. The punishment imposed is directly proportionate with the gravity of misconduct committed by the applicant. It is the legitimate expectation of the employer that his employees maintain discipline and they should not absent themselves from duties unauthorisedly.

You will appreciate that the unauthorized absence of employees causes disruption in the work of the employer and put the employer at loss. More so, when a person is working in a Public Sector and performing public duties so much onerous responsibility is cast upon him to maintain discipline in discharging his duties towards public.

That the contents of para 1 are not denied. That the contents of para 2 of the petition put forward therein are not completely correct. Although the applicant was appointed in the bank on 27-10-1978 but actually worked for only 17 years 3 months and 18 days after reducing the period of her leave on loss of pay and unauthorized absence when she was removed from the bank service.

That the contents of para 3 of the petition as put forward therein are not admitted. The personal difficulties cannot be a ground to remain unauthorized absent from bank's duties. Moreover, the averments made in this para are so vague which ought to be rejected.

That the contents of para 4 of the petition are absolutely wrong and denied. It is not the management who has harassed and victimized the applicant. Rather, it is the applicant who has committed the act of gross misconduct and has behaved in a totally irresponsible manner, probably taking it for granted that she has every right to flout the lawful orders/rules of her employer.

That the contents of para 5 of the petition are correct. The charge sheet was issued for unauthorized absence by the disciplinary authority under para 521 (4) (f) of Sastry Award read with para 18.28 of Desai Award as amended by subsequent sixth BPS according to which unauthorized absence of more than 30 days is gross misconduct.

That the contents of para 6 of the petition are absolutely wrong and denied. As per the amendment under sixth BPS governing the terms and conditions of the service of the employees in the bank, the absence without leave for more than 30 days has been termed as gross misconduct.

That the contents of para 7 of the petition are absolutely wrong and denied. There is no question of disciplinary authority telling the applicant that inquiry is a formality or assuring her that no major punishment will be awarded. The disciplinary authority has taken the decision only after the inquiry was complete and after considering the facts and circumstances of the case as proved in the inquiry. The contents of this para of the petition are specifically denied.

That the contents of para 8 of the petition are absolutely wrong and denied. The inquiry held was free, fair and proper. The applicant appeared in the inquiry proceedings and duly signed the proceedings in the inquiry. Photocopies of the proceedings of the inquiry are enclosed herewith for ready reference. The applicant herself choose to appear personally in the inquiry. She was free to be represented by the defence representative. It should not

be out of place to mention here that in SBI the labour force is well organized under the banner of a trade union and the employees are free to represent themselves through defence representatives in the inquiry.

That the contents of para 9 of the petition as put forward therein are wrong and denied. The applicant is well read person having Post Graduate Degree and cannot be expected to sign any document without reading. The allegation made in this para are completely after thought just to get the re-entry in the bank through back door. It must be observed that right from 1998 till September, 2000 when the applicant raised the present dispute she made no representation about the inquiry to any person or authority.

That the contents of para 10 of the petition are absolutely wrong and denied. That the contents of para 11 of the petition as put forward therein are wrong and denied. The tentative decision of the disciplinary authority was taken after due consideration and was fully justified.

That the contents of para 12 of the petition as put forward therein are absolutely wrong and denied. The disciplinary authority gave a chance for personal hearing to the applicant but the applicant choose to send a letter dated 24-11-1998 the contents of which were nothing but repetition of the views said in her defence brief which the disciplinary authority had already taken into considerations while writing tentative decision. She could not convince the disciplinary authority about the misconduct committed by her. The punishment imposed is directly proportionate to the misconduct by the applicant.

That the contents of para 13 of the petition, as put forward therein are absolutely wrong and denied. The order of removal from service of the disciplinary authority communicated to the applicant was fully justified. It is absolutely incorrect that the disciplinary authority acted malafidely or there was any trap for the applicant.

That the contents of para 16 of the petition are absolutely wrong and denied. In this connection please refer to the proceedings for the inquiry which are annexed herewith.

That the contents of para 17 of the petition as put forward therein are absolutely wrong and denied. The applicant admitted the originality and authenticity of all the documents produced by the management in the inquiry. As the charges against the applicant were based upon the documents which were accepted by the applicant so there was no occasion for the management to lead oral evidence in the inquiry. The charges were duly proved on the documents produced by the management. It is absolutely incorrect that the applicant had no knowledge of the documents. The applicant admitted the documents fully knowing the contents and its implications. She is putting a concocted story at this stage which is an after thought hence, liable to be rejected.

That the contents of para 18 of the petition have no merits. The service condition of the employees in the SBI does not permit any unauthorized absence. So the contents of this para are completely irrelevant as far as employees of SBI are concerned.

That the contents of para 19 of the petition are absolutely wrong and denied. The allegations made in this para are completely vague, hence ought to be rejected. Nobody has a right to create indiscipline and attend the office at his sweet will. The applicant herself have committed wrongful acts and then making false allegations against the authorities of the bank. She has not come with clean hands. So she is not entitled to any relief from any authority.

That the contents of para 20 of the petition are emphatically denied. The entire inquiry proceedings had been conducted observing the law and principles of natural justice and there was absolutely no harsh or discriminatory treatment shown against the claimant.

That the contents of para 21 of the petition are denied subject to the extent that there were proceedings before the ALC(C), New Delhi and the same ended in failure and now the same is forwarded to this Hon'ble Tribunal for adjudication.

That the contents of para 22 of the petition are emphatically denied. The claimant has been removed from the service of the bank after conducting free and fair inquiry after observing the rules for natural justice as punishment, imposed after considering the gravity of the misconduct committed by the applicant and hence the removal is legal and not mounting to arbitrary or unfair labour practice or victimization. The prayer clause is wrong and misconceived and is not allowable. The claimant is not entitled for any relief. It is, therefore, most humbly prayed that the Hon'ble Tribunal may kindly be pleased to hold the bank's action as proper, just and in accordance with law and to give a negative award in this case.

The workman applicant has filed rejoinder. In her rejoinder she has reiterated the averments of her claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard arguments from both the sides and perused the papers on the record.

It was submitted from the side of the workman that she has served the bank for about 20 years very honestly and sincerely. There was no complaint against her work and conduct.

It was submitted that she is an Indian married lady she had to face lot of problems and family responsibilities for which she had to take leave in the recent past for various reasons which were beyond her control.

It was further submitted that she has been sending regularly applications to the management, but due to callous and cruel approach of the management, the workman was harassed and victimized by way of removal from service.

She has further submitted that the inquiry was conducted by Shri B. Mistry. It was a sham show inquiry. The workman appeared in the inquiry without the assistance of the Defence Representative, as the management suggested that appointment of the Defence Representative would not be in the interest of the workman. He would delay the proceedings and create problems which would harm the workman and that the management would not be able to take lenient view if she appoints the Union Leader as Defence Representative. Thus the workman was deprived of reasonable and fair opportunity of being defended in the inquiry.

It was further submitted from the side of the workman that she did not speak anything in the inquiry. The Inquiry Officer wrote the proceedings and the workman was directed to sign the proceedings blindly and she did so without reading it in view of specific assurance of lenient view. The inquiry was completely a sham show and was concluded with a sole motive to close the file as suggested by the Disciplinary Authority.

That the workman in her anxiety to protect her job was influenced by the management to sign the proceedings of the inquiry on the dotted lines as recorded by the Inquiry Officer, without doubting the mala fide of the Disciplinary Authority/management and thus fell into their trap.

It was submitted from the side of the workman that no oral evidence was produced to prove the documents or the charges. None of the documents which were management's document, of which the workman had no knowledge could be admitted by her knowingly and wilfully to kill herself. This clearly proves that the management induced and forced the workman to sign the Minutes/proceedings blindly as recorded by the Inquiry Officer.

It was further submitted from the side of the workman that in Government of India and various other organizations five years leave without pay is granted to the worker staff so that she could handle their family responsibility gracefully.

It was further submitted from the side of the workman that in the bank there are large number of cases of male employees who had remained absent for years together but they were not removed from services of the bank.

It was submitted that the women employees need special treatment keeping in view of their enormous family responsibilities as required by the society. On the one side Government of India is making liberal rules and special provisions for women in their favour in the matter of reservation of employment, reservation of seats in

Panchayats, Local Bodies, Assemblies and Parliament and on the contrary the management of State Bank of India is deliberately discriminating against the women staff.

It is further submitted from the side of the workman that the inquiry was a sham show. Principles of natural justice were violated. The workman was very harshly and discriminately treated.

It was further submitted from the side of the workman that second warning which was issued vide letter No. CAD/DNSO/29 dated 23-10-1996, was also a formality without complying with the provisions of the Sastry Award for administering warning.

It was further submitted from the side of the workman that presuming but not admitting that the workman had committed gross misconduct by remaining on long leave unauthorisedly, even then the punishment of removal from service was unfair, unjustified and very very harsh. In terms of Sastry Award as modified in the BPS, an employee found guilty of gross misconduct may :—

- (a) be dismissed without notice or
- (b) be compulsory retired/removed from service/ discharged with superannuation benefits as would be due otherwise at that stage and without disqualification from future employment or
- (c) be brought down to lower stage in the scale or pay up to a maximum of two stages or
- (d) have his increment stopped or
- (e) have his special allowance withdrawn or
- (f) be warned or censured or have an adverse remark against him or
- (g) be fined.

The workman has further submitted that in the circumstances of the case the management has awarded a very very harsh punishment of losing the job *i.e.* losing her livelihood which amounts to ECONOMIC DEATH OF the workman. The management could have awarded any other punishment referred to above in clause (c) to (g). A warding hardest punishment proves that the management was vindictive and biased against the workman.

It was submitted from the side of the management that the workman was habitual absentee. A letter of memorandum was issued on 13-9-1995 and it has been mentioned therein that the workman absented unauthorisedly from duty for a period of 622 days on various occasions on loss of pay till date. The warning has been issued to her that in case she remained absent from duty unauthorisedly in future disciplinary proceedings will be initiated.

It was warning for 622 days unauthorized absence. It was submitted that warning dated 23-10-1996 was sent to the workman and she was again warned and advised to be

careful in duty and to adhere to leave rules meticulously in future.

Memorandum date 30-7-1997 was again sent to her for her unauthorized absence and she was warned that in case of further absence disciplinary action will be taken against her. The workman sent application dated 4-4-1997, Paper No.B-128 submitting therein that she had to rush to Abudhabi. She prayed for sanctioning of leave w.e.f. 5-9-1997 and grant her permission to leave station. She was not sanctioned leave still she proceeded on leave. A memorandum was sent on 10-9-1997 in respect of her letter dated 4-9-1997 that leave applied for has been declined on administrative grounds and she was advised to report for duty forthwith failing which her absence from duty would be treated unauthorized not accounting for pension and required departmental action will be taken against her. Charge sheet was issued on 10-2-1998. She has been warned 4 times and she remained absent unauthorizedly for a very long period.

It was submitted that inquiry has been held and the workman has participated in the inquiry. She signed the proceedings of the inquiry. She was unauthorizedly absent so she had nothing to reply and she had no evidence to adduce.

It was further submitted that the workman could not submit any explanation to her unauthorized absence. She merely stated that being an Indian lady she has to face lot of problems and family responsibilities for which she has to take leave for various reasons. She concealed the fact that she was abroad and she is still residing at Abudhabi.

My attention was drawn to 2005 (2) KL T 98, 2006 (2) SCC 269, AIR 2000 SC 2198, 2006 Lab IC 256, (2006) 5 SCC 377, 2006 Lab IC 330 and 2003 (1) LLJ 658.

I have perused the case laws cited above. It has been held in almost all the cases that in case the fact of unauthorized absence is admitted an inquiry would be empty formality. In the instant case unauthorized absence has been admitted by the workman. Her only reason for unauthorized is that she was a married lady and she has to face family problems and responsibilities.

In the instant case the explanation submitted by the workman does not contain separate grounds for separate unauthorized absence. It appears that the workman was not interested in her duties. She was mere interested in the maintenance of her family and responsibilities. Such a conduct is not a minor misconduct. It is a major misconduct.

It was submitted from the side of the workman that charges have been served for unauthorized absence to 3 workers and minor punishment has been given to them. It cannot be said for how much period the 3 workmen whose case has been referred to are on unauthorized absence. So the present case of workman cannot be equated with the case of above referred 3 workmen.

The workman is still in Abudhabi. She has not filed even affidavit in view of averments of her claim statement. Affidavit has been filed by her AR. This also indicates that even still she is not interested in her case and she wants reinstatement leaving at Abudhabi. Principles of natural justice have been followed in the inquiry proceedings. No prejudices have been caused to the workman in view of the settled law. She has committed gross misconduct by going on unauthorized absence on 4 occasions and for long periods.

It was further submitted that the workman is highly qualified and it cannot be said that she signed the proceedings on the pursuasion of the management and on the assurances of the management that no harm would be done to her. These are after thoughts. The workman has been absent unauthorisedly for a long time. Warnings were given to her and again she sought leave for going to Abudhabi which was rejected but she still proceeded on leave. In the circumstances a fair inquiry has been conducted. No interference is required. No relief can be given to the workman. Punishment is not harsh and disproportionate.

The reference is replied thus :—

The action of the management of State Bank of India in removing the services of Smt. Raj Mala Gupta, Assistant w.e.f. 23-1-1999 is justified. The workman applicant is not entitled to get any relief as prayed for.

Award is given accordingly.

Date :15-11-2006.

R. N. RAI, Presiding Officer

नई दिल्ली, 20 नवम्बर, 2006

क्र.आ 4839.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ पटियाला के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-1, नई दिल्ली के पंचाट (संदर्भ संख्या 9/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-11-2006 को प्राप्त हुआ था।

[सं. एल-12012/97/1997-आई आर(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 20th November, 2006

S.O. 4839.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 9/1998) of the Central Government Industrial Tribunal/Labour Court, No. 1, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of Patiala and their workman, which was received by the Central Government on 20-11-2006.

[No.L-12012/97/1997-IR(B-I)]
AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE SHRI SANT SINGH BAL PRESIDING OFFICER : CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 1, NEW DELHI

I. D. No. 9/98

In the matter of dispute between :

Mrs. Kamal Gupta,
W/o. Shri Parveen Gupta,
Aged 35 years, resident of C-193,
NTPC Township,
Vidyut Nagar,
District Gautam Budh Nagar.Workman

Versus

The Regional Manager,
State Bank of Patiala,
Connaught Place,
New Delhi - 110001.Management

AWARD

The Central Government in the Ministry of Labour vide its Order No.L-12012/97/97-IR (BI) dated 2-1-98 has a referred the following industrial dispute to this Tribunal for adjudication :

“Whether the action of the management of State Bank of Patiala in terminating the services of Mrs. Kamal Gupta Ex Clerk/Cashier w.e.f. 24-12-95 is just, fair and legal? If not what relief the workman is entitled and from what date?”

2. Brief facts of this case as culled from record are that the workman Mrs. Kamal Gupta joined the Bank service on 5-2-1986 at Nehru Place, New Delhi and her work and conduct has always been very good. In December, 88 she was transferred from Nehru Place to Kalkaji, New Delhi Branch and then to Noida branch on 6-4-90. The husband of the workman is working as Deputy Superintendent (Chemical) in NTPC, at Vidyut Nagar, Distt. Ghaziabad (UP). The department of NTPC has allotted a residential quarter at Vidyut Nagar to husband of the workman and insisted him to shift to Vidyut Nagar. The workman had an abortion on 3-7-94 and she applied for abortion leave under the rules from 4-7-94 to 18-8-94 with medical certificates. Despite her repeated requests she was neither sanctioned leave nor the wages for the said period was paid to her. Before the A.L.C. the respondent filed written statement on 29-11-96 in which it is stated that “her case for granting abortion leave is being examined in view of the revised Bipartite Settlement and the admissible wages shall be parted with her, as per norms of the Bank.” The workman extended the leave on medical grounds upto 30-9-94 and leave applications were sent by registered post. The workman was directed by the Branch Manager, Noida replied to the workman vide letter dated 1-2-96 which reads as under :

“Copy of Branch Manager letter No. 938 dated 1-2-96 addressed to the workman at her address C-193 ,

Vidyut Nagar, NTPC Colony, Ghaziabad”

Madam,

Extension of Leave

With reference to your letter dated 21-1-96, please be advised that your request for extension of leave upto 31-4-96 stands rejected. You are being treated absent from your duty. For your absence Bank may take disciplinary action against you. You are advised to report for duty immediately.”

The Branch Manager vide his letter No.21 dated 20-4-96, sent by courier and received on 22-4-96, illegally and arbitrarily terminated the services of the workman w.e.f. 24-12-95, and also demanded in this letter, to pay to the Bank within 15 days from the date of the said notice, one month's pay and allowances in lieu of notice failing which the bank will be constrained to file a suit for recovery of the same. The action of the management was illegal and mala fide. Hence workman prayed reinstatement in service with full back wages, continuity of service and other benefits which would have been admissible to the workman.

3. The management filed written statement raising preliminary objections that the workman has not come with clean hands and she is guilty of her own wrongs, omissions to get herself medically examined from the Lok Nayak Jai Prakash Hospital, New Delhi vide letter dated 20-9-94. Thereafter the workman got herself medically examined from the above hospital and medical certificate upto 7-10-94 was also sent to the Bank but no salary was paid to her for this period. She joined duty on 8-10-94. The Bank did not pay the workman any salary from July to December, 94 with the exception of 8-10-94 to 7-11-94. The workman again conceived in the last week of July, 94 and she gave birth to a female child on 20-4-95 and she applied for maternity leave from 20-4-95 to 19-7-95 and the application was sent to the branch manager supported by birth certificate. The workman as per her service rules was entitled to 12 months total maternity leave including abortion leave and the management denied her forty five days abortion leave as referred to in para 6 of the claim. It is further averred that after the birth of the child workman was unable to attend the Bank as the baby was too small and used to remain sick and there was no other lady member to look after the child and the workman was regularly sending leave applications. The leave applied by the workman on medical grounds duly supported by medical certificates were treated by the management as unauthorized absence on loss of pay. Whereas there were leave to her credit. The pay scales and allowances of the workman staff were revised and workman staff were paid huge arrears of wages whereas the workman was denied this benefit with a view to harass and victimize. The workman has been regularly submitting applications for sanction of leave. The Branch Manager, Noida and commissions as a result of which the management was constrained to take such a legal action of termination of her services and as such she is not entitled to the relief claimed and her claim is liable for rejection.

4. On merits it is averred that the petitioner claimant had conceived third time and had abortion and applied for abortion leave w.e.f. 24-4-95 to 19-7-95. She has already availed of abortion leave on two earlier occasions w.e.f. 1-7-89 to 11-8-89 and w.e.f. 10-4-93 to 23-5-93 while posted at Kalkaji Branch and then while posted at Noida Branch. The question whether she is entitled to maternity leave/ abortion leave for third time in view of the revised Bipartite Settlement and is also entitled to wages is stated to be under consideration by the respondent management. It is stated that the same shall be paid to her as per Bank Norms. It is denied that the management did not sanction the maternity leave nor paid wages for the same with a view to harass and victimize the claimant or violated the provisions of law.

5. Written statement was followed by rejoinder wherein the facts mentioned in the claim statement were reiterated to be correct and the controverted facts of the written statement were refuted.

6. Workman examined herself in support of her case as WW1 and management examined Shri Gurnam Singh, Chief Manager, State Bank of Patiala on 7-2-2000 as MW 1.

7. The questions which require consideration in this case are :

- (i) Whether the workman is entitled to maternity leave and abortion leave w.e.f. 4-7-94 to 14-8-94 as per rule.
- (ii) Whether the action of the management in terminating her services is legal and justified?
- (iii) As per terms of reference.

8. I have heard learned counsels/A.Rs. for both the parties and perused the record meticulously.

9. The learned counsel for the petitioner claimant has contended that the order terminating services is bad in law as illegal the same has been passed without giving due opportunity to the workman and the same is also in violation of the principles of natural justice. The claimant is entitled to Maternity Leave and Abortion Leave as per rules during the entire service period and she should have been granted leave salary.

10. Workman is entitled to 12 months maternity leave during the entire service period and the petitioner should have been granted the same as she has not availed any leave till before during her service period that the order has been passed at the back of the petitioner and without giving her an opportunity and the same is in violation of the principles of natural justice and deserves to be set aside.

11. On the contrary learned A/R for the respondent has contended that there was no leave left to the credit of the workman as such she has already availed of the leave to her credit and she is not entitled to the grant of maternity and abortion leave.

12. I have given my thoughtful consideration to the contentions raised on either sides. There is no dispute about the following facts:

- (i) That the workman had availed of abortion leave for the period 4-7-94 to 18-8-94 and she again conceived in the last week of July, 94 and applied for maternity leave from 20-4-95 to 19-7-95 and she was not sanctioned leave and paid wages for the period and the matter had been kept under consideration. It is also admitted fact that the management treated her absent for the said period and terminated her services.

13. From the above facts and material available on record it is evident that she was treated absent and her services were terminated without conducting any enquiry or giving her opportunity to defend herself. The question which arise for consideration herein is "Whether the employee is entitled to abortion leave/maternity leave as per the relevant rules/settlements as claimed by her and she is entitled to payments for the period she was treated as absent."

14. In order to resolve the above controversies it is pertinent to have a look on the following relevant leave rules embodied in Bipartite Settlements and Awards etc. applicable to the employees of the Management Banks.

"12. Leave Rules as provided in para 12 of the Memorandum of Settlement dated 17-9-84 and 28-2-85 at page No. 333 of the Bipartite Settlements between Officers and their workmen published by M/s H.P.J. Kapoor.

"An employee who overstays his leave (except under circumstances beyond his control for which he must tender explanation) shall not be paid his pay and allowances for the period he overstays and shall further render himself liable to such disciplinary action as the management may think fit to consider."

Maternity Leave as per para 26 of the memorandum of settlement dated 27-3-2000 is as under:

"Maternity Leave

The earlier provisions relating to maternity leave as in Clause 13.3.7 and Clause 13.3.8 of Bipartite Settlement dated 19th October, 1966 shall be substituted by the following:

- (a) Maternity leave, which shall be on substantive pay, shall be granted to a female employee for a period not exceeding 6 months on anyone occasion and 12 months during the entire period of her service.
- (b) Within the overall period of 12 months, leave may also be granted in case of miscarriage/abortion/MTP.
- (c) Leave may also be granted once during service to a childless female employee for legally adopting a child who is below one year of age

for a maximum period of two months or till the child reaches the age of one year, whichever is earlier subject to the following terms and conditions:

- (i) Leave will be granted for adoption of only one child;
- (ii) The adoption of a child should be through a proper legal process and the employee should produce the adoption deed to the Bank for sanctioning such leave.
- (iii) The temporary and part time employees are not eligible for grant of leave for adoption of a child."

Para 490 Maternity Leave as per Sastry Award Chapter 24 at page 136 runs as under:

"490. Maternity Leave.— Maternity leave which shall be on average pay shall be granted to a female employee of the bank for a period not exceeding three months on anyone occasion and twelve months during the entire period of an employee's service.

A competent authority may grant leave of any other kind admissible to the employee in combination with, or in continuation of maternity leave if the request for its grant is supported by sufficient medical certificate. "According to the said para Maternal leave on average pay to employee of the bank for period not exceeding 3 months on any occasion and 12 months during entire period of employees service"

15. It is out of place to mention here that according to the above said rules the employee is not entitled to the payment of pay and allowances for the period he/she overstays and he is also liable to disciplinary action as the management thinks fit but if the circumstances under which the employee remained absent are beyond his/her control and explanation is tendered such employee shall not be liable to disciplinary action and will be entitled to payment of the wages.

16. According to para 26(b) Maternity Leave mentioned above a female employee is entitled to maternity leave six months on anyone occasion and 12 months during the entire period of her service and the overall period of leave of 12 months includes leave on account of miscarriage/abortion and MTP.

17. According to the management the question of abortion leave for the period 4-7-94 to 14-8-94 is still under consideration. Remaining absent from duty on account of abortion or on account of maternity problems is certainly beyond the control of female employee and the action of the management in imposing penalty of termination upon the claimant workman for absence is not in my view justified and legal for the following reasons:

1. That absence from duty on the part of an employee without any reasonable cause in my view is certainly a misconduct and the penalty of termination imposed

for absence of an employee without conducting an enquiry is not justified and proper at least the employee concerned is entitled to an opportunity of being heard and defend himself for the charge of absence for which her services are liable to be terminated. In the instant case no enquiry was conducted and workman was not given an opportunity of being heard and to explain by way of an enquiry or otherwise in any manner. In fact the action of the management is in violation of principles of natural justice.

2. Secondly the action cannot be held to be justified because the workman is entitled to abortion leave for 3 months according to Sastry Award and to six months abortion leave under the Bipartite Settlements at one occasion and for 12 months during entire period of service. Abortion leave is also included in Maternity leave. It is not disputed that the workman claimant has undergone abortion w.e.f. 4-7-94 to 14-8-94.

18. In my view the period of absence of the claimant on account of abortion has been wrongly and illegally treated as absence and she is entitled to the payment of substantive pay for the period she was unable to attend duty due to abortion from 4-7-94 to 14-8-94. I further hold that the action of termination of her service on account of absence is also illegal and is in violation of principles of natural justice and is liable to be set aside and she is entitled to reinstatement in service. I further hold that she will not be entitled to any payment of allowance or pay/substantive pay if it is found that the claimant has remained absent beyond the period of 12 months without leave to her credit, the said period of absence beyond the period of 12 months shall be treated as leave without pay. The workman has also claimed full back wages but perusal of pleadings shows that workman has worked only for 89 days during the year 1994. Even if she has abortion and she is entitled to leave for a period of three months during this period then she remained absent for six months. She has not denied this fact in rejoinder. This shows that she may have a tendency to shirk work and not taking the work seriously. Giving her full back or even higher wages at 50% or little less will not be justifiable as the same may encourage absentism on the part of the workman. It would be appropriate in these circumstances that the back wages @ 30% as wages be awarded to the workman. It is so ordered. The Award is accordingly passed. File be consigned to record room.

Dated: 25-10-2006

S.S. BAL, Presiding Officer

नई दिल्ली, 20 नवम्बर, 2006

का.आ. 4840.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आई एन जी वैश्य बैंक लिमिटेड के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-II, नई दिल्ली के पंचाट (संदर्भ

संख्या 101/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-11-2006 को प्राप्त हुआ था।

[सं. एल-12012/152/2004-आई आर(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 20th November, 2006

S.O. 4840.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 101/2004) of the Central Government Industrial Tribunal/Labour Court, No. II, New Delhi now as shown in the Annexure in the Industrial Dispute between the employer in relation to the management of ING Vysya Bank Limited and their workmen, which was received by the Central Government on 20-11-2006.

[No.L-12012/152/2004-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER : CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, NO. II, NEW DELHI

R. N. RAI, Presiding Officer

I. D. No. 101/2004

In the matter of :

Shri Sarvesh Massey,
R/o. E-315, Dr. Ambedkar Nagar,
Sector-5, New Delhi

Versus

Shri Sonu Halan Bhasin,
Vice President,
ING Vysya Bank Limited,
Regional Office; 15 K.G. Marg,
New Delhi-110001.

AWARD

The Ministry of Labour by its letter No. L-12012/152/2004 IR(B-I) Central Government Dt. 10-06-2004 has referred the following point for adjudication.

The point runs as hereunder :—

“Whether the action of the management of ING Vysya Bank Limited in terminating the services of Shri Sarvesh Massey, Ex. Driver w.e.f. February, 2003 is just fair and legal? If not, to what relief the workman is entitled to and from which date?”

The workman applicant has filed claim statement. In the claim statement it has been stated that he was working with M/s. ING Vysya Bank Limited, hereinafter called the management as a Driver since October, 1998 and his record of service was good and his last drawn wage was Rs. 5,500.

That the management is known for its anti labour and unfair labour practices such as non issue of

appointment letters, non-implementation of provident fund facilities, following the policy of hire and fire etc.

That the workman was made to perform overtime duty for which he was never paid and on demanding his overtime dues he was threatened with dire consequences including dismissal from service. That the workman refused to oblige the management and continued asking his dues. This further angered the management and was marking time to victimize him by hook or by crook.

That it is submitted that the workman was demanding his appointment letters but the management never paid any heed to his request and on the other hand M/s. Sonu Halan Bhasin, Director got angered with him and told him to desist from his acts threatened him with dismissal from service if he insisted in asking appointment letter.

That on 29-1-2003 when the workman reported for duty the management did not allow the workman to perform his duty and the workman was informed that his services stood terminated with immediate effect. No notice or notice pay was given to him, no retrenchment compensation was offered to him. The workman was also not paid his earned wages for the month of January 2003 amounting to Rs. 5,500.

That thereupon the workman served a demand notice on the management dated 5-2-2003 demanding his reinstatement with continuity of service and full back wages, though in receipt of the demand notice the management did not concede his demand.

That the management's action is illegal, wrongful and *mala fide* besides being an act of victimization and unfair labour practice. That the workman is entitled to reinstatement with continuity of service and full back wages. That the workman has been unemployed since his illegal and wrongful termination and he could not get any job despite his best of efforts.

The management has filed written statement. In the written statement it has been stated that this Hon'ble Tribunal has no jurisdiction to adjudicate or to entertain the present claim as the claimant is not a workman as defined u/s 2 (s) of the ID Act, 1947. It is further submitted that there was no employer-employee relationship between the answering management and the claimant. The claim as raised by the claimant therefore does not fall in the ambit of Industrial Dispute as defined u/s 2 (s) of the ID Act, 1947.

The present claim of the claimant is thus liable to be rejected on this ground alone.

That the claimant was never in the service of the management. However, it will not be out of place to clarify here that the claimant's service were hired initially by one Ms. Monique Jhington a Manager of the respondent (since resigned) as her Driver in her personal capacity. The claimant after the said Manager left the services of the respondent entered into the service of Ms. Sonu Bhasin another officer of the respondent. Both the officers above named had engaged the claimant only in their personal

capacity. The claimant was never employed with the respondent nor the officer above named were the appointing authority to employ and person with the respondent. In view of the above position the question of reinstating the claimant or granting of any other relief as claimed does not arise. It is settled law that when a claimant has not entered in service, a reference under section 10 of the ID Act, 1947 based on assumption that he was removed from service is not tenable.

That the claim of the claimant is not only bad for misjoinder of parties but also for non-joinder of necessary parties. It is submitted that the respondent has been wrongly arrayed as a party as there is neither any privity of contract between the claimant and the respondent nor there is any employee-employer relation between them. The fact that his services were hired by people in their personal capacity at a certain period of time and who happened to be employees of the respondent does not create any privity of contract or employee-employer relation between the claimant and the respondent.

That the claimant was never gainfully employed with the respondent at any point of time nor there is any disclosure by the claimant as to under what capacity he was working with the respondent and whether he was working on casual, temporary or permanent basis. The question of his termination illegally or otherwise by the respondent does not arise. It is reiterated that the claimant was never employed by the respondent at any point of time and thus the allegations, averments and pleas raised in support by the claimant are false, baseless, frivolous, misconceived and an after thought.

That the claimant was only performing duties of transitory nature on hire basis as Driver of the people (two in number) who happened to be employees of the respondent and had hired him in their personal capacity only. The claimant was not appointed to any post with the respondent. It is further submitted that no officer of the respondent had ever recommended the claimant to be employed as an employee of the respondent Bank. The reliance placed by the claimant on the alleged communications stated to be recommendations are nothing but communications written by some employees of the respondent at the instance and representation of the claimant himself for seeking a job elsewhere. In view of the above position the claim of the claimant for his reinstatement or regularization does not survive.

That the present claim has been filed by the claimant with *mala fide* intention based on false and misleading averments, concocted and twisted facts, misrepresentations and an after thought in an effort to extort money from the respondent. The claimant was never gainfully employed by the respondent, the question of his illegal termination from service, therefore, does not arise. It is reiterated that the claimant was initially hired as a Driver by one Ms. Monique Jhington who was then one of the Managers of the respondent. It is pertinent to mention

here that his services were hired by Mrs. Jhington in her personal capacity and the respondent had nothing to do with it. Mrs. Monique Jhington resigned from the services of the respondent vide resignation letter dated 2-11-2001 which was accepted by the management on 6-11-2001. The copies of the same are annexed herewith as Annexure R1 & R2 respectively. After Mrs. Monique Jhington left the services of the management the claimant's services were engaged by Ms. Sonu Bhasin also in her personal capacity who incidentally also happens to be an employee of the respondent. The claimant at all times was aware that he was not in the employment of the respondent but was only being engaged as a personal driver of Mrs. Monique Jhington earlier and thereafter Mrs. Sonu Bhasin. This fact is also evident from the legal notice which was sent by him to the said Ms. Sonu Bhasin.

That it will not be out of place to mention here that Ms. Sonu Bhasin who is an employee of the respondent is entitled for a Driver. Accordingly Ms. Sonu Bhasin had hired the services of the claimant in her personal capacity. The claimant was thus rendering his services as Driver to Ms. Sonu Bhasin who had kept him under a personal contract for which he was being paid by way of cash on submitting vouchers. The said vouchers were signed and approved only by Ms. Sonu Bhasin. The cash paid to the claimant through vouchers have been mentioned under the Taxi and Bus (Travelling/Conveyance expenses) head of the balance sheet. The claimant was thus paid cash against vouchers signed and approved by Ms. Sonu Bhasin according to the services he rendered. It is reiterated that the claimant was never paid any allowance or salary.

The claimant was reimbursed as per the expenses incurred by him as evident from the Expenditure/expenses list/vouchers submitted by him and signed and approved by Ms. Sonu Bhasin. It is submitted that the said reimbursement cannot be termed as a salary. It is pertinent to mention here that as per the rules and regulations of the respondent where any amount is paid towards salary, the same is credited to the salary account. There is no provision of salary through direct cash payment to the regular employee/employees on contract basis with the respondent. The fact that the claimant was being paid in cash against vouchers and expenses clearly shows that the same cannot by any stretch of imagination be deemed to be a salary or that he was an employee/workman of the respondent.

That the claimant was not in the service of the respondent therefore the question of his termination by the respondent does not arise. It is reiterated that his services were hired by Ms. Sonu Bhasin who after finding the conduct and integrity of the claimant to be doubtful had terminated him. It may not be out of place to mention here that on or about January 29, 2003 Ms. Bhasin discovered that the claimant had surreptitiously and illegally retained the original second key of Vehicle No.DL-2CM-1279 belonging to the respondent and had been using the said vehicle illegally and unauthorisedly as Taxi for his

personal gain. The conduct of the claimant is evident from the fact that even after Ms. Bhasin terminated his employment with her he failed to return the key of the vehicle. The said vehicle was stolen subsequently and an FIR No.28 dated 19-2-2003 was registered with Police Station, Greater Kailash, Part -I, the said Police Station later on recovered the said vehicle and the same was realized on superdari vide order dated 26-6-2003.

That the claimant has not filed the relevant documents and list of witnesses within fifteen days as prescribed under Rule 10-B of the Industrial Disputes (Central) Rules, 1957. The claim of the claimant is liable to be rejected on this ground alone.

That the contents of para 1 of the claim are false and frivolous besides being vague, misleading and nothing but an afterthought and are hence denied. It is specifically denied that the claimant was working with the respondent as a Driver since October, 1998 and his last drawn wages was of Rs.5,500 as alleged. In fact the claimant was engaged by Mrs. Monique Jhington in her personal capacity as she was entitled for the reimbursement of the driver's expenses as per her terms of employment and later on when Mrs. Monique Jhington left the services of the respondent the claimant was engaged by Ms. Sonu Bhasin (who also happens to be the employee of the respondent) in her personal capacity. It is reiterated that the claimant was not in the employment of the respondent at any point of time.

That the contents of para 2 of the claim are incorrect besides being vague, baseless, misleading nothing but an afterthought and are therefore denied. It is specifically denied that the management is known for its anti labour and unfair labour practices as alleged. The allegation against the respondent bank are vexatious, baseless and defamatory and are liable to be expunged. The respondent is reserving its right to take appropriate action/remedial steps in this regard.

That the contents of para 3 of the claim as stated are denied. It is reiterated that the claimant was never engaged/appointed by the respondent, hence the question of overtime work or payment for the alleged overtime does not arise. The claimant was engaged by Mrs. Monique Jhington in her personal capacity and was answerable/accountable to her directly. The respondent had nothing to do with the work/duty of the claimant. It is denied that the respondent ever threatened the claimant as alleged or that he was ever victimized by the respondent in any way.

That the contents of para 4 as stated above are denied. It is submitted that the claimant was never in the employment of the respondent hence the question of issuance of any appointment letter or demand of the claimant for appointment letter does not arise. The said averments as made by the claimant is nothing but an afterthought. As regards the averments of Mrs. Sonu Bhasin getting angered with the claimant and threatening him with dismissal from service it is submitted that the same is not in the knowledge of the respondent and is therefore, denied. It is nevertheless

submitted that this alleged incident is indicative of the fact that the claimant was in the services of Ms. Sonu Bhasin and not in the services of the respondent.

That the contents of para 5 of the claim as stated above are denied. It is submitted that the claimant was never in the employment of the respondent, the question of the claimant reporting for duty to the respondent or his not being allowed to perform his duty by the respondent does not arise. It is reiterated that there is no privity of contract between the claimant and the respondent, nor there is any employee-employer relationship between them, the issuance of any notice or notice pay or retrenchment compensation by the respondent to claimant does not arise. It is further submitted that the said provisions of I.D. Act do not apply to the present case for the very reason that the claimant is and was never employee of the respondent at any point of time.

That the contents of para 6 of the claim are wrong and vehemently denied. The claimant should be put to strict proof of the same. However, it is submitted that the claimant was never in the employment of the respondent's bank hence the question of reply to any alleged demand notice does not arise.

That the contents of para 7 of the claim are incorrect besides being vague, vexatious, misleading and nothing but afterthought. It is submitted that the management has never acted in any illegal, wrongful manner or has acted in any unfair labour practice as alleged. The allegations are being made by the claimant only with a view to prejudice the mind of this Hon'ble Tribunal and to procure the relief which otherwise is not entitled to.

That the contents of para 8 of the claim are wrong and vehemently denied. It is reiterated that the claimant was never in the employment of the respondent bank therefore the question of reinstatement or any back wages does not arise. The respondent reiterate the stand taken by it in the preliminary objections and the same are not repeated herein for the sake of brevity and to avoid repetition.

The workman applicant has filed rejoinder. In his rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard arguments from both the sides and perused the papers on the record.

It was submitted from the side of the workman that he was engaged as Driver in October, 1998. He worked up to January, 2003. No appointment letter was given to him. Over time work was taken from him. When he demanded full wages he was asked not to come. He has not been paid retrenchment compensation and pay in lieu of one month's notice in compliance of Section 25 F of the I.D. Act, 1947. His last drawn salary was Rs.5,500.

It was submitted from the side of the management that the workman was not in the employment of the management. His services were hired initially by Mrs. Monique Jhington and thereafter by Ms. Sonu Bhasin. These two officers of the bank engaged him in their personal capacity. Payment to him has been made by these two officers. There is no privity of contract between the claimant and the management. There is no question of termination of his services. Mrs. Jhington and Ms. Bhasin have left the service of the bank so they cannot be produced.

It was submitted that Mrs. Jhington resigned on 2-11-2001. Thereafter she has issued false certificate to the workman. The workman worked with Mrs. Jhington and Ms. Bhasin but in their personal capacity and not as an employee of the management. Mrs. Jhington issued him certificate on 14-12-2001 whereas she resigned in November, 2001. Ex. WW1/1 and WW1/2 is the letter for issuing Booklet. He was personal driver of Mrs. Jhington and Ms. Bhasin. They have collected the Booklet in their personal capacity. The workman has not filed any voucher or any evidence to establish the fact that he has worked under the management and his last drawn salary was Rs.5,500.

It was further submitted that certificate has wrongly been issued by Mrs. Jhington after her resignation.

It has been held in 2005 SCC that the workman has to prove by cogent evidence and not by his affidavit that he has worked for 240 days. In the instant case the workman has not filed any document of payment of any salary. In his cross examination the workman has stated that he does not remember the number of the Car. It shows that he was not engaged on any Car of the management. He has also admitted that he worked with Mrs. Jhington. He has admitted that he has not filed any voucher regarding any payment by the management.

The workman has miserably failed to prove that he worked for 240 days with the management. He was a personal driver of Mrs. Jhington and Ms. Bhasin. He was not an employee of the management. So there is no question of reinstatement.

The reference is replied thus :

The action of the management of ING Vysya Bank Limited in terminating the services of Shri Sarvesh Massey, Ex. Driver w.e.f. February, 2003 is just, fair and legal. The workman-applicant is not entitled to get any relief as prayed for.

Award is given accordingly.

Date : 16-11-2006.

R.N. RAI, Presiding Officer

नई दिल्ली, 20 नवम्बर, 2006

का.आ 4841.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.पी.डब्ल्यू. डी. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच,

अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.2, नई दिल्ली के पंचाट (संदर्भ संख्या 52/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-11-2006 को प्राप्त हुआ था।

[सं. एल-42012/137/2004-आई आर(सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 20th November, 2006

S.O. 4841.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 52/2005) of the Central Government Industrial Tribunal-cum-Labour Court, No. 2, New Delhi as shown in the Annexure in the Industrial Dispute between the management of Faridabad Central Electrical Division and their workmen, received by the Central Government on 20-11-2006.

[No. L-42012/137/2004-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE THE PRESIDING OFFICER: CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT-II, NEW DELHI**

PRESIDING OFFICER: R.N. RAI

I. D. No. 52/2005

IN THE MATTER OF:

Shri Raj Kumar,
C/o. AICPWD (MRM) Karamchari Sangathan,
4823, Balbir Nagar Extn. Gali No.13,
Shahdra, Delhi - 110032

VERSUS

The Executive Engineer,
Faridabad Central Electrical Division, CPWD, NG-4,
Faridabad (Haryana).

AWARD

The Ministry of Labour by its letter No. L-42012/137/2004 (IR (C-II) CENTRAL GOVERNMENT DT. 29-6-2005 has referred the following points for adjudication.

The points run as hereunder :—

“Whether the action of the management of Central Public Works Department in terminating the services of Shri Raj Kumar S/o. Shri Chetram, Khalasi w.e.f. 25-3-2003 is legal and justified? If not, to what relief the workman is entitled?”

It transpires from perusal of the order sheet that notice to the workman was sent on 27-10-2005. It has been received by him. He did not turn up on 27-10-2005. He was absent on 08-2-2006. The workman was not present on 19-7-2006. The workman has failed to file statement of claim from 27-10-2005 till 13-11-2006.

No dispute award is given.

Date: 15-11-2006

R.N. RAI, Presiding Officer

नई दिल्ली, 20 नवम्बर, 2006

का.आ 4842.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जलबपुर के पंचाट (संदर्भ संख्या 6/1989) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-11-2006 को प्राप्त हुआ था।

[सं. एल-42012/26/1987-डी-4(बी)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 20th November, 2006

S.O. 4842.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 6/1989) of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of FCI and their workmen, which was received by the Central Government on 20-11-2006.

[No. L-42012/26/1987-D-4(B)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR**

CASE NO. CGIT/LC/R/6/89

PRESIDING OFFICER: SHRI C. M. SINGH

Shri M. P. Gupta,
S/o Shri R.L. Gupta,
Nutan Vihar Colony,
Tikamgarh.

Workman

Versus

The Senior General Manager,
Food Corporation of India,
Chetak Building,
Maharana Pratap Nagar,
Bhopal

Management

AWARD

Passed on this 27th day of October, 2006.

1. The Government of India, Ministry of Labour vide its Notification No. L-42012/26/87-D-4(B) dated 3-1-89 has referred the following dispute for adjudication by this tribunal:

“Whether the action of the management of Food Corporation of India, Bhopal in terminating services of Shri M.P. Gupta, Asstt. Grade-II, Tikamgarh with effect from 8-3-1985 is justified? If not, to what relief the concerned workman is entitled?”

2. The case of workman Shri M.P. Gupta in brief is as follows. That he joined FCI as Assistant Grade-II w.e.f. 24-11-75 and continued to work on the above post on 8-3-85 when he was removed from service. He was issued with a chargesheet on 3-3-84. The workman submitted his

reply to the chargesheet on 15-3-84. As the reply was not found to be satisfactory, the management decided to conduct a departmental enquiry and appointed Enquiry Officer *vide* order dated 4-6-84. The Enquiry Officer started the enquiry on 6-7-84 and concluded it on 18-10-84. The Enquiry Officer gave its findings on 15-1-85. The Enquiry Officer in his findings held that Article-I is not proved and has given benefit of doubt to the workman. In his findings, the Enquiry Officer has not made any mention about Articles 2 & 3. However in connection with charge No. 4, the Enquiry Officer has held the same to be proved to the extent that proper record/accounts has not been maintained and 3380 bags were stocked without sanction of the competent authority. On the basis of findings submitted by the Enquiry Officer, the Disciplinary Authority imposed the penalty of removal from services w.e.f. 8-3-85. Against the above order of removal, the workman submitted an appeal and review which has also been rejected. The action of the management in imposing the punishment of removal from service is unjustified and liable to be set aside on the following grounds:

- a. That the copy of the documents of which complaint has been made was not given to the workman. His defence counsel was allowed only to go through the said documents and that too without knowledge of the workman. This has resulted in gross miscarriage of justice. As the defence counsel was not able to go through the record properly at the time of cross-examination nor the delinquent workman is aware of the existence of those documents, since he himself could not see those documents. This has resulted in gross violation of natural justice.
- b. That *vide* letter dated 18-10-84, the delinquent employee has requested certain witnesses to be produced as defence witnesses. This was not allowed and not a single witness has been allowed to be examined on behalf of the workman. Thus the workman has been deprived of a right whereby he could disprove those charges by producing his witnesses. This has resulted in the vitiation of the enquiry.
- c. That the workman's defence counsel was asked to question the workman himself which is also violative of natural justice.
- d. The most important thing in the whole case with regard to Article 1 is as follows. There was an allegation of misappropriation of 130 bags of wheat. On verification, it was found, actually there is no shortage and hence the allegation of misappropriation of 130 bags stands disproved. With regard to charge No. 2, it is to be mentioned that the permit was given to the private parties (Govt. Co-operative Societies only) for the month of August 1982 and they happened to remit the money and got the permit issued on 31-8-82, which was the last day of

the month. If they do not remit the money before 31-8-82, they should have lost the quota for that month. Hence it is the practice prevailing in the department that the customers could remit the money during the course of the month or any day and thereafter they used to lift the goods as per availability of the vehicle. In this case, they happened to remit the money and got the permit issued on 31-8-82 and they have taken the actual delivery and have dumped the sugar on a separate corner of the depot with an intention to remove the same later on and they actually transported the said bags on 1-9-82 and 2-9-82 only because they could arrange the vehicle on those 2 days only. There is nothing wrong in this practice since the department is concerned on the date of remittance of money as well as releasing the permit. It is up to the customer when they are able to lift it up. Hence the allegations that the applicant has removed those bags by making false entries with a mala fide intention is beyond the reasoning of anybody.

- e. With regard to charge No. 3, this charge is to the effect that the workman has not maintained the proper gunny account and that the entries relating to the transfer of 130 bags/gunnies and receipt of 130 gunnies has been made with a view to adjust the gunny account although no such transaction has taken place.

Perhaps this charge is also connected with charge No.1 to say that the workman has manipulated in the gunny account also to cover the question of removal of 130 bags on 1-9-82. It is an absurdity that such entries could be made by any sensible person after the incident was over. If at all if there was to be any manipulation, it shall be prior to the removal of stocks and not afterwards. Admittedly on verification of P.V. Squad, there were no discrepancies in the number of gunnies available, issued, received as per the entries in the gunny register. It may be seen that the documents produced along with the workman's defence brief would establish that all the transaction relating to gunnies were genuine and admitted by the T. A. Grade I Shri N.K. Jham. If there was an opportunity, the workman could have led his evidence also to show that all the entries were made accordingly to the transactions which had really taken place. This charge is therefore in the circumstances explained above is not proved against the workman.

- f. With regard to Article-4, the allegation is that the workman has restacked of 3380 bags without the sanction of the competent authority. Actually the stack has collapsed and this restacking has to be done immediately in order to stop deterioration of

the stock. When this fact was brought to the knowledge of the superiors, the Assistant Manager by his letter dated 18-8-82 informed the depot incharge to restack the said stocks immediately. Thereafter when the D.M. visited the depot on 14-10-82, he got verbal instructions from the D.M. which later on transcribed in writing on 16-10-82 for the immediate stacking on the said collapsed goods. These are the written orders of the competent authorities and as per their instructions, the delinquent workman carried the restacking work. Hence there is no substance in the allegation that the workman restacked 3380 bags without any authority and with *mala fide* intention is based on no logic. On the basis of these facts and grounds, the workman begs to submit that his removal from service illegal, arbitrary, *mala fide* and victimisation.

- g. The findings of the enquiry officer is perverse and is contrary to the materials on record. The Enquiry Officer has acted mechanically without application of mind and has presumed many things which are not on record. The Enquiry Officer did not give proper opportunity to the workman to defend himself in the enquiry. The enquiry conducted by the management is illegal and the same has been held in violation of principles of natural justice. It is therefore prayed by the workman that the action of the management of FCI in terminating his service be held unjustified and he be reinstated with full back wages and all other consequential benefits.

3. The management contested the reference and filed their Written Statement. The case of the management in brief is that workman Shri M.P. Gupta joined the services of FCI on the post of Assistant Grade-II (Depot) w.e.f. 24-11-75. He continued in the service upto 8-3-85, when his services were removed from the Food Corporation of India for committing a major misconduct. The workman Shri M. P. Gupta's service record was not satisfactory because during his working as Assistant Grade-II, he had committed several irregularities. While he was working on the post of Assistant Grade-II (Depot) and was discharging duties of incharge of Sheds No. 'A' & 'B' at Tikamgarh Depot under the control of District Manager, Satna, he committed grave misconduct and acted in the manner unbecoming of an employee of FCI and has violated Regulations 31 & 32 of the FCI Staff Regulations, 1971. While working as incharge of Sheds 'A' & 'B' at Tikamgarh depot, he had committed misconduct as under :—

- i. During September 1982, he had unauthorisedly removed 130 bags of wheat on 1-9-82 and he could not give a satisfactory explanation for maintaining two truck chit books of identical numbers out of which one book did not contain 74 copies.
- ii. Shri Gupta issued sugar stock on 1-9-82 and 2-9-82 against Release Order No. 7684 to 7686 showing the stocks as issued on 31-8-82. These issues were

against allotment for the month of August-82 which had elapsed on 31-8-82, whereas the actual issues were made on 1-9-82 and 2-9-82. Shri Gupta has manipulated his post.

- iii. Shri Gupta while working as incharge of sheds No. 'A' & 'B' of Tikamgarh depot did not maintain proper gunny account. On 27-9-82, 130 new B.T. gunnies were shown as issued for trader's loading, but as per remarks, these were taken back on 8-10-82, as unused. As per outward gate register, these gunnies were not issued to the traders on 27-9-82. 190 new B.T. gunnies received from Quality Inspector were not reflected in the Inward Gate Pass Register. 90 new B.T. gunnies shown and found issued on 17-8-82 have not been entered in the Gate Pass Register. All the above entries in the gunny registers have been made with the view to adjust gunnies without any actual transactions.
- iv. Shri Gupta while working at Tikamgarh depot issued workslips for restocking of 3380 bags during September and October-1982, but restocking work was carried out without sanction of the competent authority. The stock particulars, godown particulars etc. were also not mentioned in those workslips which show that these workslips were issued with *mala fide* intention.
- v. That on basis of the audit, when it came to the notice of the corporation, the corporation immediately issued the memorandum of chargesheet containing the statement of Articles, statements of imputations, list of documents and list of witnesses under Regulation 58 of the Food Corporation of India (Staff Regulations 1971) and was asked to submit the reply to the chargesheet within 10 days from the receipt of memorandum of the chargesheet.

The aforesaid chargesheet was duly served on the workman and he replied to the chargesheet dated 15-3-84 denying the charges levelled against him. The reply submitted by the workman was not found satisfactory and, therefore, the management decided to conduct impartial departmental enquiry and therefore *vide* order dated 4-6-84, the Senior Regional Manager, who is the Disciplinary Authority appointed Shri K. K. Krishnan, Dy. Manager (Enquiry), FCI, Regional office, Bhopal as enquiry Officer and Shri P.M. Nair as Presenting Officer to present his case before the Enquiry Officer. The workman was also asked to nominate his Defence Assistant and accordingly he nominated one Shri P.S. Gayakwar as Defence Assistant. The applicant and his Defence Assistant were given full opportunity to inspect the documents and were also informed that if they required any other documents, they will be supplied to them. However, the workman and his Defence Assistant were satisfied with the documents and

did not ask for any other documents. The Enquiry Officer decided to fix the date of hearing. Accordingly notices were issued to the workman for attending the departmental enquiry and notice were acknowledged by him. The enquiry began on 6-7-84 and concluded on 18-10-84. The management examined one Shri M.P.C. Panikar, Assistant Manager (Vigilance) and he was duly cross-examined by Shri Gayakwar, Defence Assistant for the workman. The management closed their case and the workman was asked to produce his defence witnesses. The workman did not produce any defence witness nor examined himself and only submitted that he would clarify all the points in brief. Therefore, the enquiry was closed. The workman was given full opportunity and liberty to cross-examine the management's witness and to examine himself and the documents in support of their case which were part of the departmental enquiry. On the close of enquiry, the Enquiry Officer and the management submitted their written argument on 26-11-84 and on 9-11-84. On receipt of the written arguments/brief, the Enquiry Officer submitted his enquiry report/findings on 15th Jan., 1985 to the Disciplinary Authority. The Enquiry Officer found the applicant guilty of charges No. 2, 3 & 4 and gave benefit of doubt for charge No. 1. That on the basis of enquiry report and the material placed before the Disciplinary Authority, the Disciplinary Authority i.e. the Senior Regional Manager Shri K.S. Bhasin was satisfied with the findings and imposed the punishment of removal of the workman and accordingly *vide* order dated 8-3-85, the workman was removed from service. On issuing memorandum of charge sheet from Article 1 to Article No. 4, it is clear that the workman played a fraud on the management and committed grave and clear glaring misconduct in violation of Regulations 31 & 32 of FCI Staff Regulations, 1971 and, therefore, the punishment imposed *vide* order dated 8-3-85 is justified and legal. If for any reason, the departmental enquiry is held to be vitiated, the management reserves their right to prove the misconduct on merits on the basis of documents and records. It has been submitted on behalf of the management that the workman is not entitled to any relief.

4. In order to prove their case, the management filed departmental enquiry papers and the management for proving that the DE was conducted by the management against the workman is proper and legal examined Shri H. B. Sharma. Against the above, the workman in order to prove that the enquiry was not legally and properly conducted against him examined himself.

5. It is clear from the order sheet dated 4-6-98 of this reference case that my learned predecessor in office after having heard Shri A.K. Shashi, Advocate for workman and Shri S. K. Rao, Advocate for management and after having gone through the DE papers and evidence on record adduced by the parties recorded his findings to the effect that the DE proceedings are vitiated and decided this preliminary issue against the management. The findings on this issue shall form the part of his award.

6. The management in order to prove the misconduct of workman Shri M.P. Gupta examined Shri M. R. C. Panikar, the then retired Assistant Manager (PV) FCI and Shri P.M. Nair, the then retired Dy. Manager FCI as management's witnesses. Against the above, the workman Shri M. P. Gupta examined himself.

7. I have heard Shri A.K. Shashi, Advocate for workman and Shri S.K. Rao, Sr. Advocate for management. I have very carefully gone through the entire evidence on record.

8. Shri A.K. Shashi, Advocate learned counsel for the workman submitted that the enquiry proceedings have already been vitiated and oral evidence of Sarva Shri M.R.C. Panikar and P. M. Nair is not at all sufficient for proving the misconduct of the workman. Against the above, Shri S. K. Rao, Advocate learned counsel for the management submitted that the evidence of Shri M. R. C. Panikar who was at relevant time posted as Assistant Manager (PV) in Regional Office, FCI, Bhopal had headed the team which conducted a physical verification of Tikamgarh Depot is more than sufficient for proving the misconduct of the workman. He also submitted that besides the oral evidence of Shri Panikar, management's documents also prove the misconduct of the workman.

9. I have very carefully gone through the affidavit of Shri M.R.C. Panikar and Shri P.N. Nair. Shri P.N. Nair who at the relevant time was working as Assistant Manager (QC)/Dy. Manager(QC) in Regional Office of FCI at Bhopal, was appointed as Presenting Officer to present the case on behalf of the management of FCI before the Enquiry Officer. His evidence is not at all relevant for proving the misconduct of the workman. I have also gone through the cross-examination of this witness. In the ending lines of his evidence of cross-examination this witness has clearly stated that he has no personal knowledge regarding the misconduct committed by the workman. Just above the aforesaid evidence, this witness deposed that the papers which are mentioned in the list attached with the chargesheet issued to the workman, they have not been filed in this reference case along with the DE papers. I am of the considered opinion that the oral testimony of this witness is not relevant for proving the misconduct of the workman. Shri M.R.C. Panikar who is retired employee of FCI was at the relevant time posted as Assistant Manager (PV) in Regional Office of FCI at Bhopal. He deposed that he was transferred to vigilance department of FCI, Bhopal and while he was so posted as per orders of the Dy. Manager (IA & PV), Regional Office Bhopal, he was directed to conduct a special physical verification of Tikamgarh depot. He further deposed that accordingly the physical verification headed by me and two assistants namely Shri S.R. Shetty Assistant Grade-I and S.G. Makwane, Assistant Grade-II reached Tikamgarh depot and conducted special verification at Tikamgarh from 27-11-82 to 13-12-82. He further added that after conducting the said physical verification, he submitted the report with his findings to Regional Office, Bhopal. It is to be noted

here that this report and findings is the very basis upon which the departmental enquiry was conducted against the workman, meaning thereby, it is the document which in original if proved can be a proof of misconduct committed by the workman. On being cross-examined regarding the above document, this witness Shri M. R. C. Panikar deposed in the oral evidence of this cross-examination that the physical verification report which he had handed over to the Bhopal Office or copy thereof has not been filed in this reference proceeding. This witness clearly deposed in his evidence of cross examination that he does not remember that 2 assistants were given to him for conducting the physical verification of the concerned depot. Regarding his affidavit, the witness stated during his evidence of cross-examination that his affidavit after being prepared was brought from MP and he after going through the said affidavit made his signature on it. Perhaps for the said reason, this witness in his cross examination stated that he does not remember, if two assistants were given to him for conducting physical verification of the concerned depots though in para No.3 of the affidavit he clearly stated that two assistants namely Shri S.R. Shetty and Shri S.G. Makwane were given to him for conducting a special physical verification of Tikamgarh depot from 27-11-82 to 13-12-82. Thus the evidence of this witness is not cogent. Besides the above, Shri Panikar during the evidence of his cross-examination further stated that he does not remember if the workman did the work of restacking or not. He also deposed that he does not know as to whether the sanction was granted for this work or not. Having considered the entire evidence of this witness, I am of the considered opinion that his evidence is not cogent at all. Against the above, it has come in the affidavit of workman Shri M.P. Gupta that 4 charges were levelled against him. It is deposed therein that the Disciplinary Authority exonerated him from charges No.1, 2 & 3 and punished him for charge No. 4. Charge No. 4 runs as follows :—

“Article-IV- Shri M.P. Gupta, AG.II(D) while working as incharge of shed No. A & B at FCI, Tikamgarh has issued works slips for restacking 3380 bags during the month of September and October-82. The said Shri M.P. Gupta has carried out the restacking work without any sanction of the competent authority. Besides, neither stack numbers nor godowns Nos. are mentioned in the workslip, which shows the malafide intention of the said Shri M. P. Gupta.”

Workman Shri M.P. Gupta has been cross examined by the management at length. Nothing has appeared in his testimony of cross examination which may go against him for proving his misconduct. So far as the above article-IV is concerned, it is very clear from the evidence discussed above that the management has failed to prove this misconduct of the workman by their oral as well as documentary evidence.

10. In view of the above, it is concluded that the management has failed to prove the misconduct of workman. The issue is decided accordingly in favour of the workman and against the management.

11. There is no averment in the statement of claim that after the termination of service, the workman was not gainfully employed. Therefore he shall not be entitled to back wages in case he is directed to be reinstated in service.

12. In view of the findings above, the reference deserves to be answered in favour of the workman and against the management with costs. Accordingly the reference is answered in favour of the workman Shri M.P. Gupta and against the management FCI, Bhopal with costs holding that the action of the management of Food Corporation of India, Bhopal in terminating services of Shri M.P. Gupta, Asstt. Grade-II, Tikamgarh with effect from 8-3-1985 is not justified. He is entitled to the relief of reinstatement in service. In view of the above the order of termination of service of workman Shri M.P. Gupta w.e.f. 8-3-86 is quashed and the management i.e. FCI, Bhopal is directed to reinstate him in service without back wages with costs of this reference.

13. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 20 नवम्बर, 2006

का.आ. 4843.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.पी.डब्ल्यू.डी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2, नई दिल्ली के पंचाट (संदर्भ संख्या 62/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-11-2006 को प्राप्त हुआ था।

[सं. एल-42012/138/2004-आई आर(सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 20th November, 2006

S.O. 4843.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 62/2005) of the Central Government Industrial Tribunal/Labour Court No. 2, New Delhi as shown in the Annexure in the Industrial Dispute between the management of Faridabad Central Electrical Division and their workmen, received by the Central Government on 20-11-2006.

[No. L-42012/138/2004-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE THE PRESIDING OFFICER: CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT-II, NEW DELHI**

Presiding Officer: R. N. RAI I.D.No. 62/2005

In the matter of :—

Shri Emrat Sharma,

C/o. AICPWD (MRM) Karamchari Sangathan,

4823, Balbir Nagar Extn. Gali No. 13,

Shahdra, Delhi-110032

Versus

The Executive Engineer,
Faridabad Central Electrical Division,
CPWD, NG-4,
Faridabad (Haryana).

AWARD

The Ministry of Labour by its letter No. L-42012/138/2004-IR (CM-II) Central Government Dt. 23-06-2005 has referred the following points for adjudication.

The points run as hereunder :—

“Whether the action of the management of Central Public Works Department in terminating the services of Shri Emrat Sharma S/o. Shri Jagdish Sharma w.e.f. 01-05-2000 is legal and justified? If not, to what relief the workman is entitled.”

It transpires from perusal of the order sheet that notice has been issued to the workman on 08-08-2005 for appearing on 08-11-2005. It has been received by him but he did not turn up. Again notice was sent for filing claim statement on 22-05-2006 but the workman did not turn up. The workman was again directed through notice to file statement of claim on 19-06-2006 but the workman did not turn up. A/R for management was present. On 19-06-2006 also the workman did not turn up. He has not filed statement of claim.

No dispute award is given.

Date: 15-11-2006

R. N. RAI, Presiding Officer

नई दिल्ली, 20 नवम्बर, 2006

का.आ. 4844.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.पी.डब्ल्यू.डी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2, नई दिल्ली के पंचाट (संदर्भ संख्या 63/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-11-2006 को प्राप्त हुआ था।

[सं. एल-42012/136/2004-आई आर(सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 20th November, 2006

S.O. 4844.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 63/2005) of the Central Government Industrial Tribunal/Labour Court, No. 2, New Delhi as shown in the Annexure in the Industrial Dispute between the management of Faridabad Central Electrical Division and their workmen, received by the Central Government on 20-11-2006.

[No. L-42012/136/2004-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE THE PRESIDING OFFICER: CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT-II, NEW DELHI**

Presiding Officer: R. N. RAI.

I. D. No. 63/2005

In the Matter of :—

Shri Devender Sharma,

C/o. AICPWD (MRM) Karamchhari Sangathan,
4823, Balbir Nagar Extn. Gali No. 13,
Shahdra, Delhi-110032

Versus

The Executive Engineer,

Faridabad Central Electrical Division,
CPWD, NG-4,
Faridabad (Haryana).

AWARD

The Ministry of Labour by its letter No. L-42012/136/2004-IR (CM-II) Central Government Dt. 27-06-2005 has referred the following points for adjudication.

The points run as hereunder :—

“Whether the action of the management of Central Public Works Department in terminating the services of Shri Devender Sharma S/o. Shri Shem Chand Sharma, Generator Operator w.e.f. 15-03-2003 is legal and justified? If not, to what relief the workman is entitled.”

It transpires from perusal of the order sheet that notice has been issued to the workman on 08-08-2005 for appearing on 08-11-2005 which was received by him but he did not turn up. Again notice was sent for filing claim statement on 08-02-2006 but the workman did not turn up. The A/R for management was present. The workman was again directed through notice to file statement of claim on 02-05-2006 but the workman did not turn up. On 19-11-2006 also the workman did not turn up. He has not filed statement of claim.

No dispute award is given.

Date 15-11-2006

R. N. RAI, Presiding Officer

नई दिल्ली, 21 नवम्बर, 2006

का.आ. 4845.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उत्तर रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण लखनऊ के पंचाट (संदर्भ संख्या 5/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-11-2006 को प्राप्त हुआ था।

[सं. एल-41012/152/2003-आई आर(बी-I)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 21st November, 2006

S.O. 4845.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (5/2004) of the Central Government Industrial Tribunal/Labour Court, Lucknow now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Northern Railway and their workman, which was received by the Central Government on 20-11-2006.

[No. L-41012/152/2003-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

Present : Shrikanth Shukla, Presiding Officer

I.D. No. 5/2004

Ref. No. L-41012/152/2003-IR (B-I) Dt. 28-11-03

Between

The Divisional Organizaition Secretary, N. Railway Karmchhari Union, 283/62 Kha Garhi Kanaora (Premwati Nagar) PO Manaknagar, Lucknow-226001

And

The Sr. Divisional Mechanical Engineer (Loco Northern Railway, DRM Office, Hazratganj, Lucknow-226001)

AWARD

The Government of India, Ministry of Labour, New Delhi referred the following dispute *vide* no. L-41012/152/2003/IR-(B-I), Dated 28-11-2003 for adjudication to the Presiding Officer, CGIT-cum-Labour Court, Lucknow.

“क्या प्रबंधन, उत्तर रेलवे, लखनऊ के द्वारा कर्मकार श्री विशेश्वर प्रसाद पुत्र श्री छेदीलाल के आकस्मिक श्रमिक के रूप में की गई सेवाओं (वर्ष जनवरी 1964 से अप्रैल 1970) के आधार पर सम्पूर्ण सेवा निवृत्त हित लाभ नहीं प्रदान किया जाना न्यायोचित एवं न्यायसंगत है? यदि नहीं तो कर्मकार किस अनुतोष का अधिकारी है?”

Worker's case is that he retired from service on superannuation after completing 60 years of age on 31-7-01. It is also submitted that his services in all have been counted as 24 years, 2 months whereas he entered into the service as casual labour on 1-1-63 and was given the temporary status after completion of 120 days' service. He has further alleged that he was regularised in the regular scale after screening on 27-4-70. Thus his total service in the railways is 34 years, 4 ½ months and accordingly the worker is entitled to the retiral benefits.

The opposite party has denied the claim of the workman and has submitted that the worker was neither engaged as casual labour on the alleged date nor he was granted temporary status in Jan. 1964. Opposite party has also denied that the worker was screened on 27-4-70 nor was regularised in the year 1970. It is further submitted that the worker was appointed on 27-5-77 as Fitter Khalasi in the grade of 196-232 on the basis of empanelment of the year 1976. It is not disputed that the workman retired on

31-7-2001 on the superannuation after completion of 24 years, 2 months qualifying service and the management has paid entire dues and retiral benefits as per the railway rules. It is also submitted that present dispute is legally not maintainable and the worker is not entitled to any relief.

The worker has reiterated the allegations of statement of claim while filing the rejoinder.

The worker has filed following documents;

1. Photo copy of certificate of Inspector of works, Northern Railway dt. 11-10-65, 4-6-76, 5-3-68, 7-4-69.
2. Worker has also filed his application of the year 1969.

The opposite party has filed the service record together with the leave record of the worker.

The worker has examined himself i.e. Sri Visheshwar Prasad and the opposite party has examined Sri Prashant Roy, Asstt. Personnal Officer of the railway.

The representative of the worker has filed the written arguments.

Heard the arguments of the parties.

It is not disputed that the worker retired from railways on 31-7-01 and his total service has been computed 24 years and 2 months.

The issue to be adjudicated is whether the worker started his service in Jan. 1964 and he was continuously working as such till his retirement.

The representative of the worker has stated that the worker, Visheshwar Prasad has put in 34 years and 4½ months service in the railway before his retirement.

If the worker has put in 34 years and 4½ months service with the railways then only for retirement purposes his serviced are to be computed.

The burden on the workman to prove that he did work as casual labour since Jan. 1964 to the date of retirement.

The worker has filed photo copies of documents which shows the details as under;

1. Sept. 1963 to Feb. 1964 as casual labour as per the certificate issued on 11-10-65.
2. 1965 to 1970 as casual Khalasi as per the certificate of Inspector of Works dt. 4-6-76.

It is noteworthy that in the first certificate no date has been mentioned as to from which date of Sept. 63 to which date of Feb. 1964 the worker worked as Khalasi. It is also noteworthy that first certificate issued after more than 1 year and 8 months.

In the second certificate stated above no where it is mentioned as to from which date and months of 1965 to which date end month the worker worked in the year 1970 and this second certificate was issued after about 6 years.

The representative of the opposite party has argued that documents of the worker regarding the alleged working as casual labour are fake forged and not genuine and manufactured by the worker. It is also argued that the management has never authorised any of the authority of supervisor for the issue of any of service certificate like one filed and on behalf of the worker.

From the bare perusal of the aforesaid certificates which are shown at Sl. No. 1 and 2 it could be easily inferred that the said certificates have not been issued as per the record, had it been on the basis of record specifically date should have been mentioned but since the date has not been mentioned in the first certificate and as the month and date is not mentioned in the second certificate therefore these documents lose their genuineness. It appears that the worker obtained these certificates with a view to obtain employment in the railways.

One of the photo copy of paper No. 11/4 which is copy of AEN, HQ. This document is dt. 5-3-68 wherein the Inspector of Works has been asked by the AEN, HQ that Visheshwar Parsad may be given employment as casual Khalasi if he is willing for the job. If this document is genuine then it can be easily inferred that prior to 5-3-68 probably he was not on the job and therefore the AEN, HQ has written a letter to Inspector of Works. This again casts genuineness of the so called certificate stated above.

It is noteworthy that the worker has not been able to file any proof to show that he was in employment prior to 27-5-77. In my opinion the burden lies on the worker to prove that he was in employment continuously before 27-5-77 and the worker has fail to discharge the said burden.

The representative of the worker has stated that employers have not file the documents like service record and casual labour card and the pannel of 1970 in which the worker was declared successful at Sl. No. 91 and the pannel of 1976-77 and therefore adverse inference may be drawn against the management.

It is noteworthy that the management has never admitted in his written statement that the worker was empanelled in 1970 it was worker's own case as such no adverse inference can be drawn against the management. It is also noteworthy that the records are merely 30 years old and the management can not be expected to preserve such documents for indefinite period. If the worker was given scale wages as alleged by him. He ought to have produce ample documents in respect of empanelment and providing of scale. It can not be believed that worker could not maintained record for his own service since 27-4-70. Had the worker produced any other documents there could not be chance of adverse inference against the railways.

Besides worker's own statement that he entered in service on 1-1-64 there is no other document to show that worker did entered in the railway service on 1-1-64. Worker has in his statement has stated that he was screened in 1970 but there is no document to substantiate his statement. On the other hand if the certificate is genuine which has been produced by him then it transpires that worker himself got the certificate in the year 1976 simple reason could be that he was out of the employment atleast from 1972 to 1976 and i.e. why he obtain the certificate hurriedly with a view to secure service.

Probably that might be the reason the worker could get his entry in the service of the railway as substitute khalasi.

The bio-data of the worker does not contain the date of birth (photo copy of the bio-data is C-15) produced by the opposite party.

From the perusal of the service record it does not show that this is creation of any forgery. Photo copies of leave record filed by the opposite party which shows the date of appointment on 27-5-77. It is not understood as to how the worker could not agitate his case earlier. He has raised the plea that he has been in service from 1964 therefore, he could have got the record amended at the earliest and not after lapse of 30 years.

It is noteworthy that the Visheshwar Prasad in his cross examination has dispute earlier stand of entering in the service on 1-1-64 where has says that the entered in service on Sept. 1963 and says that he worked as casual labour since 1-1-1964. The worker is therefore, not creditworthy.

The representative of the opposite party has argued that certificates produced by the worker clearly shows that certificates have been issued after more than years whereas the worker says the certificate are issued on the same day. After listening representatives of the parties and perused the evidence on record I do not find that the worker was actually inducted in the railway service on Jan. 1964 and he continued to work such as till his retirement. In the circumstances the issued is decided against the worker and he is not entitled to any relief.

Lucknow

14-11-2006

SHRIKANT SHUKLA, Presiding Officer

नई दिल्ली, 20 नवम्बर, 2006

का.आ. 4846.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ संख्या 168/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-11-2006 को प्राप्त हुआ था।

[सं. एल-12012/106/2002-आई आर(बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 20th November, 2006

S.O. 4846.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 168/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure in the Industrial Dispute between the management of Bank of India and their workmen, received by the Central Government on 20-11-2006.

[No.L-12012/106/2002-IR (B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

**BEFORE SHRI, A. N. YADAV PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR
Case No. 168/2002**

Date 09-11-2006.

Shri Vijay Domaji Chunne, R/o State Bank of India
Colony, Priya Darshani College, Nagpur Road,
WarJha (M.S.)

VERSUS

The Asstt. General Manager, Bank of India, Nagpur
Zone, Zonal Office, S. V. Patel Marg, Nagpur-440001

AWARD

The Central Government after satisfying the existence of disputes between Shri Vijay Domaji Chunne, Party No. 1 and The Asstt. General Manager, Bank of India, Nagpur Zone, Zonal Office, S. V. Patel Marg, Nagpur, Party No. 2 referred the same for adjudication to this Tribunal vide its letter No. L-12012/06/2002-IR (B-II) dt. 13-09-2002 under clause (d) of sub-section 1 and sub-section (2A) of Section 10 of ID Act with the following schedule.

"Whether the action of the management of Bank of India through the Chief Manager (HR), Zonal Office, S. V. Patel Marg, Nagpur in dismissing without notice the workman Shri V. D. Chunne w.e.f. 28-09-2001 is just and proper? If not, to what relief the said workman is entitled to?"

From the schedule it is clear that he has challenged the termination order which is preceding to the enquiry. Therefore it was necessary to pass a order regarding the validity of enquiry but the counsel for the petitioner as well as respondent have filed a joint plea that they are not challenging the validity of the enquiry and therefore at the outset I have no hesitation to conclude that the enquiry was fair proper and giving full opportunity to the delinquent as is expected per principles of natural justice. The same thing is about the evidence of the parties. Both the parties had relied upon the documentary evidence and none of them has adduced any oral evidence. Now I am deciding the crucial points whether the findings of the Enquiry Officer are perverse. Whether the order of the dismissal is disproportionate to the alleged misconduct.

It is the case of the petitioner that he was appointed as Clerk-cum-Cashier in the year 1983 against the reserve post of scheduled tribe. According to him the Executive Magistrate granted a caste certificate as he is belonging to Chhatri, a scheduled tribe community. He was appointed on the reserved post for the scheduled tribes. The bank served him with the charge sheet on 02-05-2001 as the Caste Scrutiny Committee by an order dt 02-03-2001 declared that the workman is not belonging to Chhatri caste and consequently invalidate the certificate issued by the Executive Magistrate which was sent for verification by the management after a considerable delay of more than 18 years. The Enquiry Officer conducted the enquiry and held that the charges are proved against him and he submitted

report on the basis of which later on an order of dismissal came to be passed after issuing show cause notice. There was no mala-fide intention in filing the certificate. He is entitle for the protection of the reported case State of Maharashtra versus Milind Katware as he has served for more than 18 years with unblemished record. It is also contended that the Maharashtra State has issued a circular protecting the services of the person whose caste certificate was later on rejected by the Caste Scrutiny Committee. He is regular and permanent employee w.e.f. 09-04-1984, he is entitled for the same benefit. The management did not refer the matter for the Scrutiny Committee till the considerable delay of 14 years. Now he can not be terminated in view of the protection of the Maharashtra Government even under a resolution dt. 15-12-2005.

The management having admitted that the petitioner was its Clerk from the date as alleged by him resisted the claim on the ground that his contentions are totally false and misrepresenting the Court. He was appointed on the reserve post of the scheduled tribe. The Government of India by its letter dt. 23-03-1990 issued guidelines to get the caste certificates verified through the Scrutiny Committee. The petitioner himself has claimed that he was belonging to Chhatri, a scheduled tribe. Therefore, the bank submitted the caste certificate for verification. Later on the Scrutiny Committee after scrutinizing found that the certificate produced by the petitioner was bogus. He was not belonging to Chhatri community and thus it invalidated his certificate. According to the management that the petitioner has played a fraud and obtained an appointment on the reserve post for the scheduled tribes by producing a bogus certificate. Therefore chargesheet was served on him as it is a misconduct under Para 19.5 of bipartite settlement. Thus after enquiry he has been dismissed. It has supported the findings of the Enquiry Officer.

Undisputedly the petitioner by producing the certificate that he belongs to Chhatri caste which is a scheduled tribe got an appointment on the reserved post of the scheduled tribes. It is also undisputed that his certificate is declared as bogus and the Scrutiny Committee invalidated it. The perusal of enquiry papers indicate that he was served with the charge sheet for the misconduct under clause 19.5 (j) and 19.5 (m) of the first bipartite settlement dt. 19-10-1967. It is the contention of the management that his act of submitting of false, bogus and fake certificate for deriving benefits and securing employment in the bank under the reserved category with malafide intention, is prejudicial to the interest of the bank and amounts to a gross misconduct. The charges totally clear that he has played a fraud by producing a bogus certificate as the same has been invalidated by the Scrutiny Committee though the findings of the Enquiry Officer are challenged by the petitioner, nothing has been submitted as to how the findings of the Enquiry Officers are perverse. The report submitted by the Scrutiny Committee as well as the form that is an application submitted at the time of recruitment and also an order of the bank appointing him

as a Cashier-cum-Clerk clearly proves the contentions of the management. It proves the act of the petitioner was malafide and he was knowing even at the time of applying that he is not belonging to a Chhatri community. However his application clearly indicates that he has deliberately exhibited his caste as Chhatri so as to get the reserve post of scheduled tribes. The report of the validity committee indicates that his certificates i.e. School Leaving Certificate and his certificates of his nearest relatives including his father are showing the caste as a Shimppl, which is not a scheduled tribe. Though there is no oral evidence, all the documents on record are scrutinized by the Enquiry Officer and his findings are based on the strong evidence. The intention of the petitioner as indicated above is established and it supports that the petitioner has played a fraud in securing the post under the reserved category of the scheduled tribes. Therefore the findings can not be called as a perverse.

The petitioner has claimed that he is entitled for the protection of the service as he has completed more than 18 years in the service in view of the circular issued by the Maharashtra Government dt. 15-12-2005, however bare perusal of the circular will point out that it is issued by the Maharashtra Government applicable only for the employees under it. How this circular can be applied to the employee for the Central Government. Hence his submissions can not be accepted.

Now let us consider the another aspect of the case, whether the punishment is disproportionate to the act alleged against him. Mr. Jagdale submitted that the petitioner has completed 18 years service in the bank. His record is unblemished and he was even promoted to the higher post instead of dismissing him the management ought to have given the protection of the circulars issued by the Maharashtra Government as well as the protection given by the Honorable High Court under the various judgments. He has mentioned particularly a case of Milind Katware and submitted that he is entitled for the protection in view of the resolution of the Maharashtra Government dt. 15-12-2005. The principles of Milind Katware's case are totally different because the dispute in that case was different. It was the point for the consideration whether the Halba Kostis are included in scheduled tribes and since they were enjoying recognition as a scheduled tribes particularly in the state of Maharashtra, a protection was given to them. However here the petitioner Vijay Domaji Chunne has deliberately submitted a bogus certificate only to get the service. Therefore the principles of the above case are not applicable to his case. The principles of the above case have been followed in alike cases, by the Honorable High Court in giving benefits under it in view of the circular of the Maharashtra State Government but as those cases are on different footings, they are not of the assistance of the petitioner. The same thing is in respect of another cited judgment in W.P. No. 1871/2005, Vijay Singh Bais versus Caste Scrutiny Committee and Maharashtra State Road Corp. No doubt it has been observed that the

management ought to have submitted the caste certificate for verification in a reasonable period without waiting up to 22 years in that case. Similarly as there was no explanation for the same, a protection was given to Shri Vijay Singh Bais but in the above case the judgment itself has made clear that there were no allegations regarding the fraud. Here in the case in my hand, the enquiry is based on playing the fraud by the petitioner and according to the Enquiry Officer the fraud is proved. When it is case of fraud and when a service is obtained by producing a false certificate on the reserved post is a serious. The Honorable Supreme Court in a reported case (2004), 2 Supreme Court Cases held at the appointment procure against a reserve post by producing a false certificate is void and non est. No doubt the petitioner has served for more than 18 years but when its appointment itself is illegal, he is not at all entitled either for any protection or continuing in the service. In such cases reinstatement would be, again allowing him to play a fraud or legalizing his fraud which act is in fact of a criminal nature. In such circumstances, I do not think that the punishment is disproportionate to the misconduct proved against him. Hence I hold that the order of the management dismissing him is legal and proper. Accordingly I reply the reference and award to be sent to the Ministry.

A. N. YADAV, Presiding Officer

नई दिल्ली, 20 नवम्बर, 2006

क्र.आ.4847.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार देना बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, लखनऊ के पंचाट (संदर्भ संख्या 44/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-11-2006 को प्राप्त हुआ था।

[सं. एल-12011/177/2002-आई आर(बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 20th November, 2006

S.O. 4847.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 44/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow as shown in the Annexure in the Industrial Dispute between the management of Dena Bank and their workmen, received by the Central Government on 20-11-2006.

[No. L-12011/177/2002-IR (B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL CUM-LABOUR-COURT, LUCKNOW

Present : Shrikant Shukla,
Presiding Officer

I. D. No. 44/2003

Ref. No. L-12011/177/2002-IR(B-II)

Dated 24-2-2003

BETWEEN

Sh. Ompal Singh S/o Sh. Boolchand
C/o Sh. S. P. Singh, H.No. 148,
Pallav Puram, Phase-I, Post Modi Puram,
Meerut (U.P.)

AND

The Regional Manager,
Dena Bank,
28-A, Vidhan Sabha Marg,
Lucknow (U.P.)

AWARD

The Government of India, Ministry of Labour, New Delhi referred the following dispute for adjudication to the Presiding Officer, CGIT-cum-Labour Court, Lucknow *vide* Order No. L-12011/177/2002-IR(B-II) Dated 24-2-2003;

“Whether the action of the management of Dena Bank in terminating the services of Sri Ompal Singh S/o Sri Boolchand w.e.f. 21-4-2000 is just fair and legal? If not, what relief he is entitled to?”

The case of the Ompal Singh is that he was appointed as daily wagger Peon by the management of Dena Bank on 2-5-96 at Saharanpur branch and he continuously worked till 20-4-2000 for 1449 days. The worker was paid Rs. 35 per day initially on debit voucher and after sometime he was paid @ Rs. 55 per day through voucher. Abruptly newly appointed Branch Manager R.R. Rawat terminated the services of concerned workman without any notice, notice pay and retrenchment compensation in violation of Section 25-F of I. D. Act. It is alleged that the termination was illegal and unjustified. It is further alleged that junior Dinesh was allowed to continue the work in violation of Section 25-G of I.D. Act. Worker has further alleged that he worked 240 days in every calendar year and his services were terminated without any notice. It is also alleged that the worker was employed and terminated by oral orders. Worker has, therefore, prayed that this court may hold that the order of termination was not justified being void-ab-initio and worker may be held entitled for reinstatement in service with full back wages from the date of his termination i.e. 21-4-2000. The worker filed photo copy of the following documents:

1. Extract of expenditure on travelling from 4-5-96 till Sept. 1997 together with one page showing order.
2. Photo copy of Token Register, Traveller cheque.
3. Deposit receipts dt. 18-6-98, 22-6-98 and 20-6-98.
4. Letter concerning of Form 3D sales tax exemption dt. 6-2-98.
5. Letter for supplying of Form No. 32 (Road permit) dt. 10-2-99.

6. Letter addressed to Syndicate bank by Branch Manager dt. 8-2-99 requesting cheque for 10 lakhs alongwith demand loan pay in slip.
7. Letter address to Indian Bank regarding requirement of SBI funds Rs. 7 dt. 9-4-99.
8. Booking slip dt. 18-5-99.
9. Letter of Dena Bank to IOB regarding cash requirement dt. 20-4-2000.

Opposite party has filed written statement and submitted that the dispute is stale and as such is bad in law. It is submitted that engagement of the worker was a purely casual nature on daily wage basis for casual work which arose intermittently as per exigencies of work. It is further submitted that the worker was not engaged against the sanctioned post and nobody has been engaged in his place after him. In absence of any work, not assigning the same to a casual worker, does not fall within the definition of retrenchment, within the meaning of the Industrial Disputes Act, 1947. It has further submitted that the worker was engaged as casual labour for cleaning and storing water from 2-5-96 to April 1998. Even in this period, and later on also he was intermittently given miscellaneous work as and when it arose. It is further categorically stated by the bank that the worker did not work continuously from 2-5-96 to 20-4-2000. It is not disputed that the bank's new branch was opened on 2-5-96 in Saharanpur. It has been categorically denied that the worker was appointed as a Peon. It is submitted that Sri Mangulu, subordinate was transferred from Lalganj branch to Sharanpur branch *vide* order dt. 4-5-96, and he joined as full time subordinate staff on 5-5-96. After transfer of Sri Mangulu, now bank had a full time subordinate staff to discharge the regular duties. However, it may be pointed out that the worker was assigned miscellaneous work as and when they arose intermittently and for this he was given working days payment. It is specifically denied that the worker did work for 1449 days as claimed by him. It has also been submitted that the worker did not perform the regular work of Peon. It is admitted that the payment was made through voucher. It is further submitted that there was no termination of concerned workman, he was merely told by the Branch Manager that there was no work, and thus the same could not be assigned to him. It is categorically stated that the requirement to give notice, notice pay or retrenchment compensation is not attracted in the instant case, in as much as the worker was engaged as a casual worker on daily basis, and at the time of his engagement it was made clear to him that he would be given work only and when it is available depending upon the exigencies and need to the bank. Regarding Dinesh Singh, it is submitted by the management that he is not junior to the workman as there can be no comparison between the two regarding length of service. It may be pointed out here that on 17-2-97, the local Employment Exchange sent names of candidates for appointment on the post of part time cleaner, and this list contained the names of 20 candidates including the name

of applicant and Sri Dinesh Singh alongwith others, but during the interview Sri Dinesh Singh was found suitable for sanctioned post by the interview panel and was hence appointed as part time Cleaner on 29-4-97. The conduct of the employer has been *bona fide* and there has been no instance of unfair labour practice on behalf of the management. It is alleged that the worker surreptitiously and deceitfully managed to take out the official records, and such person is not fit for employer especially for a bank, where so much cash transactions take place. It has therefore been prayed that the worker is not entitled to any relief and there is no violation of Section 25F and G of the I.D. Act.

The worker has filed rejoinder wherein he has reiterated the facts stated in the statement of claim.

The opposite party has filed the payments vouchers dt. 31-7-97 for 420 and 455 i.e. 12 and 18 days respectively @ 35 per day, 19-8-97 for 12 days @ 35 per day, 23-9-97 for 18 days @ Rs. 35 per day, 1-10-97, 22-10-97, 11-12-97, 3-3-98, 6-4-98, 1-5-98, 1-5-98, 2-6-98, 2-6-98 and 1-9-98.

Opposite party has filed another set of voucher alongwith list C-22.

Subsequently the management has filed complete statement/chart alongwith voucher for the year 1996, 1997 and 1998.

The management has also filed the photo copy of the peon book extract relating to Ompal Singh alongwith paper No. 25/91.

The workman has been examined himself and the opposite party i.e. management has examined Sri Shankar Singh Rawat, Dena Bank and Sri R. S. Chauhan, Branch Manager, Gorakhpur.

Parties have filed written argument but they have not come forward on 6-11-06 for oral submissions.

It is admitted fact that the worker was not appointed through any appointment letter nor was terminated through any order of termination.

It is also admitted fact that the worker was a daily wager.

The worker has stated in his cross-examination that he was paid wages through salary register but this fact is beyond his pleadings. On the other hand it is proved that the worker was paid through vouchers.

It is admitted fact that Bank was opened on 2-5-96 at Saharanpur.

The management has argued that worker has not worked for 240 days in each calendar year, between 2-5-96 to 20-4-2000 as has been claimed by him. The worker has failed to proof his submissions in this regard. In the claim statement and his testimony. The worker was engaged intermittently and assigned misc. work as and when arose depending upon the exigencies of the bank for his work and he was paid wages for day to day basis. Since the full time subordinate staff namely Mangulu joined at

Saharanpur branch on 5-5-96, and such, bank had full time subordinate staff to discharge the regular duties. It is also argued that the workman has not work for 240 days in the proceeding one year prior to alleged termination of service. It is submitted that no proof in respect of salary or wages or 240 days or order of appointment or engagement for the said period was produced by the worker. As such contention of the worker that he has worked for 240 days in a calendar year including the preceding one year prior to his alleged termination of services is not legal and acceptable. He has also argued that as per settled law the burden of proof lies on workman to show that he has worked for 240 days in the preceding one year prior to his alleged termination and thus in absence of such proof it can not be legally held that the worker has worked for 240 days in the preceding one year prior to his alleged retrenchment.

It is noteworthy that the worker has filed a letter of branch of Saharanpur of Dena Bank address to Indian Overseas Bank, Saharanpur authorising Sri Ompal Singh to provide cheque for Rs. 25000 for which the worker has been paid Rs. 20 as travelling expenses. This is sole document to show that the worker worked till 20-4-2000 according to the written argument of opposite party. It is burden on worker to prove that he did work 240 days in the preceding 12 calendar months from 21-4-2000 and the worker has failed to discharge his obligation. The relevant provisions of the I.D. Act. i.e. 2(oo), 25-B, 25-F, are relevant in this case and the same is reproduced below :

2(oo) 'retrenchment' means the termination by the employer of the service of a workman for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action, but does not include—

- (a) voluntary retirement of the workman; or
- (b) retirement of the workman on reaching the age of superannuation if the contract of employment between the employer and the workman concerned contains a stipulation in that behalf; or
- (bb) termination of the service of the workman as a result of the non-renewal of the contract of employment between the employer and the workman concerned on its expiry or of such contract being terminated under a stipulation in that behalf contained therein; or
- (c) termination of the service of a workman on the ground of continued ill-health.

25-B. Definition of continuous service :—

- (1) a workman shall be said to be in continuous service for a period if he is for that period in uninterrupted service, including service which may be interrupted on account of sickness or authorised leave or an accident which is not illegal, or a lockout or a cessation of work which is not due to any fault on the part of the workman;
- (2) Where a workman is not in continuous service within the meaning of clause (1) for a period of

one year of six months, he shall be deemed to be in continuous service under an employer—

- (a) for a period of one year, if the workman, during a period of twelve calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than—
 - (i) one hundred and ninety days in the case of a workman employed below ground in mine; and
 - (ii) two hundred and forty days, in any other case;
- (b) for a period of six months, if the workman during a period of six calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer not less than—
 - (i) ninety five days, in the case of a workman employed below ground in a mine; and
 - (ii) one hundred and twenty days, in any other case.

25-F. Conditions precedent to retrenchment of workmen: No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrench by that employer until—

- (a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice.
- (b) the workman has been paid at the time of retrenchment, compensation which shall be equivalent of fifteen days average pay for every completed year of continuous service or any part thereof in excess of six months; and
- (c) notice in the prescribed manner is served on the appropriate Government or such authority as may be specified by the appropriate Government by notification on the official Gazette."

To attract the provisions of 25-F, the workman's claim protection under, it has to prove that their exists relationship of employer and employee; that he is a workman within the meaning of 2 (s) of the Act, the establishment in which he employed is an industry within the meaning of Act and he must have put in not less than one year of continuous service as defined by section 25-B under the employer. These conditions are cumulative. If any of these conditions is missing the provisions of Section 25-F will not be attracted. To get relief from the court the workman has to established that he has right to continue in service and that his services has been terminated without complying the provisions of section 25-F of the Act. The

Section postulates three conditions to be fulfilled by an employer for getting a valid retrenchment, namely :—

- (i) one month's clear notice in writing indicating the reasons for retrenchment or that the workman has been paid wages for the period of notice in lieu of such notice;
- (ii) payment of retrenchment compensation which shall be equivalent to 15 days average pay for every completed year of continuous service or any part thereof, in excess of six months;
- (iii) a notice to the appropriate Government in the prescribed manner.

To attract the provisions of Section 25-F, one of the conditions required is that the workman is employed in any industry for a continuous period which would not be less than one year. Section 25-B of the Act defines continuous service for the purposes of Chapter V-A "Lay off and Retrenchment". The purport of this Section is that if a workman has put in uninterrupted service in the establishment, including the service which may be interrupted on account of sickness, authorised leave, an accident, a strike which is not illegal, a lockout or cessation of work, that is not due to any fault on the part of the workman, shall be said to be continuous service for that period. Thus the workman shall be said to be in continuous service for one year i.e. 12 months irrespective of the number of days he has actually worked with interrupted service, permissible under Section 25-B. However, the workman must have been in service during the period i.e. not only on the date when he actually worked but also on the days he could not work under the circumstances set out in sub-section (1). The workman must be in the employment of the employer concerned not only on the days he has actually worked but also on the days on which he has not worked. The import of sub-section (1) of Section 25-B is that the workman should be in the employment the period of absence is permissible as mentioned hereinabove. Sub-section (2) of Section 25-B introduces the fiction to the effect that even if the workman is not in continuous service within the meaning of clause (i) of Section 25-B for the period of one year or six months he shall be deemed to be in continuous service for that period under an employer if he has actually worked for the days specified in clauses (a) and (b) of sub-section (2). By the legal fiction of sub-section (2)(a)(i), the workman shall be deemed to be in 190 days or 240 days in any other case. Provisions of the section postulate that if the workman has put in atleast 240 days with his employer, immediately prior to the date of retrenchment, he shall be deemed to have been served with the employer for a period of one year to get the benefit of Section 25-F.

For the purposes of calculation of number of days worked by the employee, by fiction his days of absence from work have been included if the workman (i) has been laid off under an agreement or as permitted by Standing Orders made under the Industrial Employment (Standing

Orders) Act, 1946 (20 of 1946), or under the Industrial Disputes Act, 1947, or in any other law applicable to the industrial establishment; (ii) has been on leave with full wages, earned in the previous year; (iii) has been absent due to temporary disablement caused by accident arising out of and in the course of employment; and (iv) has been on maternity leave, in case the employee is a female, however, that the total number of such maternity leave does not exceed 12 weeks.

Hon'ble Supreme Court (2005) 8 Supreme Court Cases 750 Surendranagar district Panchayat vs. Dahyabhai Amarsingh has relied on (1980) 4 Supreme Court Cases 443 Surendra Kumar Verma vs. CGIT-cum-Labour Court which is reproduced below :

In Surendra Kumar Verma vs. Central Govt. Industrial Tribunal-cum-Labour Court speaking for a three judge bench. O. Chinnappa Reddy, J. while considering the original provisions of Section 25-B and the amendment brought about by Act 36 of 1964 in Section 25-B of the Act, has said that Section 25-F requires that a workman should be in continuous service for not less than one year under an employer before that provision applies. While so, present Section 25-B (2) steps in and says that even if a workman has not been in continuous service under an employer for a period of one year, he shall be deemed to have been in such continuous service for period of one year. If he has actually worked under the employer for 240 days in the preceding period of twelve months.

Hon'ble Supreme Court has also referred (1981) 3 Supreme court cases 225 Mohan Lal vs. Bharat Electronics Ltd. which is reproduced below :

"In the matter of Mohan Lal vs. Bharat Electronics Ltd. this court has said that sub-section (2) of Section 25-B comprehends a situation that where a workman is not in continuous service within the meaning of sub-section (1) for a period of one year or six months, he shall be deemed to be in continuous service under an employer for a period of 12 months just preceding the date with reference to which calculation is to be made, has actually worked under that employer for not less than 240 days. It is not necessary for the purpose of sub-section (2)(a) that the workman should be in service for a period of one year and that his service is continuous service within the meaning of sub-section (1). If his case is governed by sub-section (1) then it need not be covered by sub-section (2). Sub-section (2) envisages a situation not governed by sub-section (1) and sub-section (2) provides for a fiction to treat a workman in continuous service for a period of one year despite the fact that he has not rendered uninterrupted service for one year but has rendered service for a period of 240 days during the period of 12 calendar months counting backwards and just preceding the relevant date, being the date of retrenchment."

The Hon'ble Supreme Court has also held in (1985) 4 Supreme Court Cases 7 that "actually worked under the

employer" is capable of comprehending the days during which the workman was in employment and was paid wages by the employer and there is no reason why the expression should be limited by the explanation.

The Hon'ble Supreme Court has held that it was necessary for the workman to produce the relevant material to prove that he has actually worked with the employer not less than 240 days during the period of 12 calendar months preceding the date of termination.

The scope of enquiry before the Labour Court is confined only 12 months preceding the date of termination to decide the question of continuation of service for the purpose of Section 25 F of the I.D. Act. The worker has to plead and prove that he did work for 240 days continuous service preceding the date of termination. In the present case I do not find that the workman was regularly employed in the bank and therefore the provision of section 25-B(1) of the Act is not attracted.

Although the workman has alleged that he worked till 20-4-2000 and was terminated w.e.f 21-4-2000 but according to him in evidence he has stated that he worked till 31-12-2000. Therefore it can not be said according to the own showing that he was terminated w.e.f. 20-4-2000. The written argument filed by the representative of the workman has not specifically mentioned as to how many days the worker has worked in 12 calendar months preceding the date of termination i.e. 20-4-2000. The emphasis is that the management was requested to produce payment vouchers, local despatch register in order to ascertain number of working during the period he worked under the opposite party because of the fact that all relevant documents supporting working period of the workman are in possession of the bank management. The management of the bank did not file all the relevant records such as attendance register, payment vouchers, local despatch register for the relevant period in order to controvert the contention of the workman regarding his working days as stated by the workman. However, the management has submitted documents in support of their statement. The statement of the worker Sri Ompal Singh is reproduced below :

"मैं सहारनपुर में नौकरी करता था। सहारनपुर की देना बैंक में 25 अप्रैल, 96 से काम कर रहा हूँ। मैं चपरासी के पद पर काम कर रहा हूँ। मैंने 20 अप्रैल, 2000 तक नहीं 31 दिसम्बर, 2000 तक देना बैंक में चपरासी के पद पर कार्य किया। जनवरी 2001 में मुझसे काम नहीं लिया, मुझसे डिस्पैच भी लिखवाते थे, कैश बंधवाते थे, कैश जमा कराने, निकालने, चैक जमा करना, पानी पिलाना, बैंक खोलना, बन्द करना और क्लर्क का काम कराते थे। जब बाहर जाते तो भाड़ा भी देते थे। जो काम मैंने किया है उससे सम्बन्धित कागज मैंने दखिल किया है जो कागज नं. ए। से लेकर 5/33 है मुझे प्रारम्भ में 35 रु. और उसके बाद 55 रु. के हिसाब से माहवारी भुगतान होता था। नौकरी से निकालने का मुझे कोई मुआवजा या नोटिस नहीं दिया।"

The workman concerned in his evidence did not specifically said that he had worked for 240 days preceding 20-4-2000 instead he has stated that he worked till

31-12-2000. Pleadings are no substitute for proof. No document in support of the fact that worker has worked for 240 days preceding 20-4-2000 has been produced in this court. It is therefore not correct to argue that the plea raised by the worker that he had worked for continuously for 240 days was deemed to have been admitted. It is burden on the worker to prove that he did work 240 days continuously prior to his termination. In case workman seek the protection under Section 25-F, the facts must be proved by the worker to get the relief from the court. It can not be believed that the worker was appointed as Peon in absence of appointment letter. From the evidence on record it is proved that the branch was opened on 2-5-96 and the regular subordinate staff was also appointed however he could not joined on 2-5-96.

Sri Shankar Singh Rawat, Sr. Manager has stated that he has filed photo state copies of the vouchers which is paper no. C-24, C-25 is chart and has stated that the workman has worked only 134 days in the year 1996 and 141 days in 1997, 84 days in 1998 and 3 days in 1999 and 2000, thus it can not be said that the worker was continuous in service. Sri Shankar Singh Rawat has stated that vouchers available in the bank he has brought in the court and filed and he has not left any voucher in the bank. Sri Shankar Singh Rawat cannot be disbelieved.

On the discussions above and circumstances in which the worker Sri Ompal Singh was engaged on daily wage clearly shows that there was no sub-staff in the bank when the bank was opened on 2-5-96 and there appears to be need of a labour to meet the exigencies of work the worker was engaged on daily wage basis intermittently and when the need was over he was not subsequently engaged. The case of the worker does not come within the purview of the retrenchment under Section 25 B (2) of the I.D. Act, as he has not completed 240 days prior to his termination on 20-4-2000. Therefore the provision of Section 25F of the I.D. Act are not attracted. Although the worker has failed to prove that he was terminated on 20-4-2000 and the alleges to have been terminated on 31-12-2000, therefore, there is no question of adjudicating the legality of termination dt. 21-4-2000. In the circumstances the worker is not entitled to any relief. Award passed accordingly.

Lucknow

8-11-2006

SHRIKANT SHUKLA, Presiding Officer

नई दिल्ली, 21 नवम्बर, 2006

का.आ. 4848.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इन्स्टीट्यूट ऑफ यूनानी मेडिसिन प्लांट्स के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, लखनऊ के पंचाट (संदर्भ संख्या 129/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को

21-11-2006 को प्राप्त हुआ था।

[सं. एल-42012/29/2001-आई आर(सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 21st November, 2006

S.O. 4848.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 129/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow as shown in the Annexure in the Industrial Dispute between the management of Institute of Unani Medicine Plants, 163-164, and their workmen, received by the Central Government on 21-11-2006.

[No. L-42012/29/2001-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,
LUCKNOW

President :

Presiding Officer : SHRIKANT SHUKLA

I.D. No. 129/2002

Ref. No. L-12012/29/2001-IR (C-II), Dt. 16-7-2002

Between

Sh. Arun,
C/o Sh. B.P. Singh
E-165, Sector-G,
LDA Colony, Kanpur Road,
Lucknow

And

The Project Coordinator,
Institute of Unani Medicine Plants,
163-164 Terhin Pulia,
Kursi Road, Sector-C,
Jankipuram,
Lucknow (U.P.)

AWARD

The Government of India, Ministry of Labour, New Delhi referred the following dispute vide no. L-42012/29/2001-IR C-II) dated 16-7-2002 for adjudication to the Presiding Officer CGIT-cum-Labour Court, Lucknow :

“Whether the Action of the Management of Institute of Unani Medicinal Plants, Lucknow in terminating the services of Sh. Arun S/o. Ram Dayal on 13-7-99 is legal and justified? If not, to what relief he is entitled to?”

Worker Arun has filed statement of claim alleging therein that he was employed with the opposite party as labour on daily wage basis w.e.f. May, 1997 and has worked in the herb garden which is situated at Sector M, Aashiyana Lucknow under the control of Research Officer (Bot) Institute of Unani Medicine Plants 163-164 Terhi Pulia Kursi Road, Sector C, Jankipuram, Lucknow. It is further stated that all of sudden the opposite party terminated the services

of workman concerned w.e.f. 13-7-99 without notice, notice pay or compensation as per the I.D. Act. He has alleged that he worked continuously from the date of appointment till the date of termination without any break even on Sundays and holidays. Worker has therefore prayed that he be reinstated with all consequential benefits.

Opposite party has disputed the claim by filing written statement and has alleged that the worker worked as labour from 16-10-98 to 11-7-99 with several breaks and has worked for only 102 days in the said duration. It is also alleged that opposite party is not a industry and it was project work in which the labour was engaged and is not work of continuous nature.

Either parties have not lead evidence.

Heard opposite party as the worker or his representative did not appear.

Learned representative of the opposite party has argued that it was the duty of the worker to prove that he is industrial worker and the opposite party is a industry. He has also argued that according to the worker's own statement of claim he was engaged for research work which is project-wise and as soon as project is completed he was not required to work. He has also stated that worker has failed to discharge his burden to prove that he worked continuously from May, 1997 to 13-7-1999 and since he has failed to prove it therefore the court must hold that worker has failed to prove his allegations and accordingly issue may please be answered.

It is true that it was the duty of the worker to prove the facts alleged by him to he has failed to prove it and therefore it can not be said that worker continuously worked for 240 days prior to the date of termination. Issue is therefore answered accordingly. Worker is not entitled to any relief.

Lucknow

9-11-2006

SHRIKANT SHUKLA, Presiding Officer
नई दिल्ली, 21 नवम्बर, 2006

का.आ. 4849.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इन्स्टीट्यूट ऑफ यूनानी मेडिसिन प्लांट्स के प्रबंधन के संबंध में निदेशों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण लखनऊ के पंचाट (संदर्भ संख्या 4/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-11-2006 को प्राप्त हुआ था।

[सं. एल-42012/25/2001-आई आर(सी-II)]

अजय कुमार गौड, डेस्क अधिकारी

New Delhi, the 21st November, 2006

S.O. 4849.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 4/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow as shown in the Annexure in the Industrial Dispute between the management of Institute

of Unani Medicine Plants, and their workmen, received by the Central Government on 21-11-2006.

[No. L-42012/25/2001-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,
LUCKNOW**

President :

Presiding Officer: SHRIKANT SHUKLA

I.D. No. 4/2002

Ref. No. L-12012/25/2001-IR (C-II), Dt. 1-1-2002

Between

Sri Ram Naresh C/o Sh. B.P. Singh
E-165, Sector-G,
LDA Colony, Kanpur Road,
Lucknow (U.P.)

And

The Project Coordinator,
Institute of Unani Medicine Plants,
Kursi Road, Sector-C,
Jankipuram,
Lucknow (U.P.)

AWARD

The Government of India, Ministry of Labour, New Delhi referred the following dispute vide no. L-42012/25/2001-IR (C-II) dated 14-1-2002 for adjudication to the Presiding Officer, CGIT-cum-Labour Court, Lucknow:

“Whether the Action of the Management of Institute of Unani Medicinal Plants, in terminating the services of Sh. Ram Naresh S/o. Sh. Iswardin on 13-7-99 is legal and justified? If not, to what relief he is entitled to?”

Sri Ram Naresh has filed the statement of claim alleging therein that he was employed with Institute of Unani Medicinal Plants, 163-164 Tehri Pulia Kursi Road Sector C, Jankipuram, Lucknow w.e.f. 1-1-97 and was working at herb garden which is situated at Sector M, Aashiyana, Lucknow under the control of Research Officer (Bot) Institute of Unani Medicine Plants, 163-164 Terhi Pulia Kursi Road, Sector C, Jankipuram Lucknow @ Rs. 42.50/- per day and he has further alleged that he was employed upto 13-7-99 and was terminated without stating any reason. He has also alleged in his statement of claim that he continuously worked from the date of appointment till 13-7-99 without any break. It is further stated that he was not given notice, notice pay compensation etc. as per the provision of I.D. Act and this court may hold the termination order dt. 13-7-99 is illegal and unjust and worker as further prayed for reinstatement with all consequential benefits.

The opposite party has filed written statement and has disputed the claim of the worker on the following grounds :

1. Opposite party is not industry;
2. That the worker was engaged for a particular project and on the expiration of the said project his services were not needed;
3. That the worker was employed only for 68 days during 16-10-98 to 31-1-99.

Either side have not produced any evidence. It was for the worker to plead and prove that the opposite party is a industry and that he worked continuously 240 days in the calander year preceding the date of termination. But the worker has failed to prove this and therefore it is not proved that the worker was terminated on 13-7-99 and as such there is no question to adjudicate whether the termination is legal or illegal. Issue is accordingly answered and worker is not entitled to any relief.

Lucknow

8-11-2006

SHRIKANT SHUKLA, Presiding Officer

नई दिल्ली, 21 नवम्बर, 2006

का.आ. 4850.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जैट एअरवेज प्रा. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में श्रम न्यायालय जोधपुर के पंचाट (संदर्भ संख्या 23/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-11-2006 को प्राप्त हुआ था।

[सं. एल-11012/11/2002-आई.डी.ए. (सी-1)]

अजय कुमार गौर, डेस्क अधिकारी

New Delhi, the 21st November, 2006

S.O. 4850.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 23/2002) of the Labour Court, Jodhpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Jet Airways Pvt. Ltd. and their workmen which was received by the Central Government on 20-11-2006.

[No. L-11012/11/2002-IR(C-1)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
JODHPUR (RAJ.)

Presiding Officer : Shri PUSHPENDRA SINGH HADA,
R.H.J.S.

I.D. REFERENCE NO. 23/2002

Abhimanyu Singh Rathore
S/o Shri Jalam Singh Rathore,
C.S.A. R/o House
No. 19/20-B, High Court Colony,
Jodhpur.

...Applicant

V/s

Chairman, M/s. Jet Airways Pvt. Ltd.,
Andheri Kurla Road Marol Naka,
Andheri (East) Mumbai 400059

...Non-Applcant

Reference u/s 10, Industrial Disputes Act, 1947

Present :

- (1) Shri M. S. Bhati Advocate for Applicant
- (2) Shri Anil Bhat Advocate for Non-applcant

AWARD

Dated: 15-9-2006

1. The Union Government vide notification No. L-11012/11/2002/IR (C-1) dated 15-7-2002 made following reference to this tribunal u/s 10 of the Industrial Disputes Act, 1947 (referred to as I. D. Act for short) :

Whether termination of the services of workman Shri Abhimanyu Singh w.e.f. 9-8-2001 as Customer Service Assistant by the Chairman, Jet Airways was justified and legal? If not, the relief the workman is entitled to?

2. The petitioner, filed his statement of demands on 9-5-2003 stating that he was appointed as Customer Service Assistant on 19-9-99 by the non-applcant organization Jet Airways and was confirmed on this post on 19-3-2000. He was drawing total emoluments of Rs. 7702 pm. He had worked for a period exceeding 240 days by 8-8-2001 without interruption and his work mainly related to customer service. He further stated that no enquiry was pending against him and he was retrenched without notice and without issuing a seniority list contrary to the provisions of I.D. Act, 1947 and that the allegations levelled against him relating to forged vouchers were false, therefore he may be reinstated with full back wages w.e.f. 9-8-2001.

3. The non-applcants have admitted the fact of claimant's appointment and termination in their reply. However they have stated that the claimant was not a "workman" within the meaning of S.2(s) of I.D. Act, 1947 as the main & substantial nature of his duties were supervisory and administrative as such the provision of I. D. Act do not apply in his case. It has also been stated that claimant's conduct was not satisfactory and he tried to cheat the management by submitting fabricated and inflated vouchers while undergoing training at Mumbai. He was informed of the allegations and given an opportunity to show cause regarding his misconduct. The claimant also requested to treat his reply as unconditional apology. The management, after due investigation had justifiably lost confidence in the claimant, and was entitled to terminate his services. As a matter of abundant caution he was paid retrenchment compensation and other dues. Even in the

absence of a formal enquiry the management has a right to directly lead evidence in court to prove the misconduct and justify its action as per the relation back principle. Services of claimant were legally terminated for loss of confidence in the claimant and thus the claimant is not entitled to the reliefs claimed by him.

4. Applicant has submitted his own affidavit on which he was cross-examined by the non-applicant and the non-applicant submitted 3 affidavits of witnesses who were cross-examined by the applicant.

5. Both the sides were heard and record seen.

6. The facts of appointment of petitioner under non-applicant as Customer Service Assistant on 19-9-99 and his having worked as such till 8-8-2001 are admitted and not in dispute. Applicant has also admitted copies of most of the documents produced by non-applicant.

7. The first issue raised by the non-applicant is that applicant was not a "workman" within the meaning of S.2(s) of I.D. Act, and as such no relief can be given to him under this Act. S.2 (s), *ibid*, defines workman as any person employed in any industry to do any manual, unskilled, technical, operational, clerical or supervisory work and the proviso (iv) to S.2 (s) excludes persons employed mainly in a managerial or administrative capacity, or if in supervisory capacity-drawing wages exceeding one thousand six hundred per mensem or exercising either by the nature of duties attached to the office or by reasons of the powers vested in him, functions mainly of a managerial nature.

8. In 1994 (5) SCC 737 H.R. Adyanthaya V. Sandoz Ltd, it was held by the Hon'ble Supreme Court that "a person to be a workman under the I.D. Act must be doing skilled, technical, operational, clerical or supervisory work and it is not enough to prove that he is not covered by any of the four exceptions to the definition.

9. In order to ascertain whether the applicant was a workman or not the nature of his duties have to be seen. Applicant has stated that he used to work in two shifts of 4 hours each and his work mainly related to customer service. In his cross-examination applicant has stated that in Ground Service Department, loaders used to carry the luggage of the passengers from checking point to aircraft, 14-15 loaders were employed in the area where I used to work besides cleaners who were two. I used to interact with the customers and solve their problems which could be sorted out at my level. I also used to look after problems in ticketing and used to instruct loaders and cleaners. I also used to pass on instructions from above and saw that they are carried out. My work was not supervisory or administrative.

10. Non-applicant's witness Sandip Chowdhury, Station Manager has in this behalf stated that Shri Abhimanyu Singh Rathore was working with the Management as Customer Service Assistant in the Air Services Department in the year 2001 at Udaipur Airport. During the said period, he was reporting to me at Udaipur

Office. A copy of his appointment letter dated 24-9-1999 is marked as Ex. MW1/1 While working as Customer Services Assistant, he was in-charge of and was independently looking after the utility staff including loaders, cleaners and drivers etc. and was monitoring their day-to-day working. He used to assign duties to the utility staff for their effective and organized working, who used to work as per his direction and control. The utility staff used to receive directions/instructions from Mr. Abhimanyu Singh about the specifics of their working on day-to-day basis and in case there was any kind of problem faced by them, it used to be sorted out by him. It was also the duty of Mr. Rathore to motivate the utility staff for their efficient working and he also used to take effective steps for the same. He also used to organize the working schedule of the utility staff and rearrange their working when the staff used to be on leave recommended by him. Shri Abhimanyu Singh Rathore while working with the Company was also taking care of the service of customers. He also used to interact with the customers, guide them and sort out their grievances/problems faced by them. As and when any customer had any difficulty of any nature whatsoever including that of their reservation/booking and allied problems. Shri Rathore as CSA used to discuss the problems with them and take necessary decisions to solve the problems. Mr. Rathore was also luggage repairing and replacement in-charge. As and when the luggage of the customer were damaged during the journey. Mr. Rathore would take a decision as to whether the luggage was to be repaired or replaced and also take necessary steps for the same. He also used to take care of the cash reservation counter of the company. While being employed with the company as CSA, his main and substantial nature of duties were supervisory and administrative in nature which required creativeness, intelligence, and imagination unlike stereo type duties of a clerk.

11. There is no major contradiction in the nature of duties described by non-applicant's witness and the applicant. Thus the fact that applicant used to instruct loaders and cleaners and used to independently handle customers and take spot decisions stands proved. Non-applicant has also relied on Ex. MW1/2, Ex MW1/3, Ex MW1/4 which are admitted documents to prove the fact that assessment of applicant's work was done for management and other qualities and that he used to handle the staff under him independently. These documents as also the evidence tendered by both the parties prove the fact that applicant's duties were supervisory in nature and as per the decision in Adyanthaya V. Sandoz Ltd. A.I.R. 1994 SC 2608/1995(1) LLJ 303 and 2004(3) LLJ 125 what is then to be seen is whether he is covered by any of the exceptions under S.2 (s) I.D. Act. It is evident from the facts proved that he was employed essentially in an administrative or managerial capacity as his job involved use of creativeness, intelligence and imagination. It can, therefore, be held that the applicant was not a "workman" within the meaning of S.2(s) of ID Act, 1947. The facts as

proved considered in the order laid down in *Adayanthaya V. Sandoz* AIR 1994 SC 2608 establish that the applicant is covered by the definition in the main body of S.2(s) and also by the exceptions and since he is covered by an exception he cannot be held to be a "workman."

12. Applicant has contended that even though he had worked for over 240 days no enquiry was conducted prior to his termination as such his termination is illegal. The non-applicant has on the other hand contended that even though no formal enquiry was conducted the applicant was given sufficient opportunity to explain his conduct and termination was made by the non-applicant only after obtaining sufficient proof of the misconduct. It has also been urged that the services were terminated for loss of confidence as there was sufficient material to presume that the misconduct stood proved. The non-applicant has also contended that it has the right to adduce proved. The non-applicant has also contended that it has the right to adduce evidence in the court to prove the charges against the applicant as held in 1973 Lab. I.C. 351 in *Workmen of F.T. & R. Co. V. The Management*. In this case the Hon'ble Supreme Court held as follows :

(4) Even if no enquiry has been held by an employer or if the enquiry held by him is found to be defective, the Tribunal in order to satisfy itself about the legality and validity of the order, had to give an opportunity to the employer and employee to adduce evidence before it. It is open to the employer to adduce evidence for the first time justifying his action, and it is open to the employee to adduce evidence in the court.

(5) The effect of an employer not holding an enquiry is that the Tribunal would not have to consider only whether there was a prima facie case. On the other hand, the issue about the merits of the impugned order of dismissal or discharge is at large before the Tribunal and the latter, on the evidence adduced before it, has to decide for itself whether the misconduct alleged is proved. In such cases, the point about the exercise of managerial functions does not arise at all. A case of defective enquiry stands on the same footing as no enquiry.

(6) The Tribunal gets jurisdiction to consider the evidence placed before it for the first time in justification of the action taken only if no enquiry has been held or after the enquiry conducted by an employer is found to be defective.

(7) It has never been recognized that the Tribunal should straightway, without anything more, direct, reinstatement of a dismissed or discharged employee, once it is found that no domestic enquiry has been held or the said enquiry is found to be defective..... Once the misconduct is proved either in the enquiry conducted by an employer or by the evidence placed before a Tribunal for the first time, punishment imposed cannot be interfered with by the Tribunal except in cases where the punishment is so harsh as to suggest victimization.

13. In view of above judgment non-applicant has

led evidence in respect of the charges levelled against the applicant. Ex. MW1/7 Show Cause Notice, Ex. 1/1, Ex. MW 1/7A, Ex. MW1/8, 1/9A, 1/10, 1/12, 1/13 Ex. MW1/14, 1/15, 1/16 are all documents admitted by the applicant and their issuance is not in dispute. Whether the facts contained in these documents stand proved or not has to be considered in the light of evidence tendered. Ex. MW1/7, show cause notice was with regard to the charge that applicant reached Bombay in the evening of 27-4-01 and submitted a bill for lunch, personal bill was falsely claimed two persons went together but charged the bill separately. Non applicant's witness Sandip Chowdhury has in this behalf deposed that Sh. Abhimanyu Singh submitted an application Ex. MW 1/8 to me after completion of his training at Mumbai by which he claimed reimbursement of expenses. I signed it in good faith and sent it to the accounts section for scrutiny and payment. Station Accountant pointed out certain anomalies for which a show cause notice Ex. MW 17 was issued. Non applicant's other witness Sanjay Gaikwad has stated that during investigation in respect of the vouchers submitted by applicant we visited the hotels to which the bills pertained and enquired from Mr. Malcom and verified the bills with the menu card rates. The timing given in the voucher were found to be false and charges claimed were exorbitant or not admissible. The reasons given by the witness for reaching these conclusions are given in the investigation report and inspire confidence as they flow from the facts elicited from the investigation.

14. Applicant by his reply Ex. MW 1/7 A dated 25-5-01 in substance also admitted that the bills were not correct. An investigation report Ex. MW 1/8 was submitted by Mr. Sanjay Gaikwad as deposed by him an applicant also submitted and unconditional apology after which services were terminated vide Ex. MW 1/15. The cross-examination of non-applicant's witnesses has not revealed any discrepancies as would discredit, them, therefore, witnesses Sanjay Gaikwad and Sandip Chowdhury's testimony to the effect that the bills were found to be false after their investigation from the concerned hotel cannot be disbelieved. Similarly, witness Ajay Singh's statement that on scrutiny the bills were found to be false corroborates the statements of non-applicant's two other witnesses. Applicant has not been able to elicit any facts which contradict the stand taken by the non-applicant or to adduce any effective evidence in rebuttal against the facts stated by these witnesses. His apology Ex. MW 1/14 on the contrary corroborates the facts stated by non-applicant's witnesses.

15. It has been contended by the non-applicant that in these circumstances the non-applicant could justifiably lose confidence in the applicant and termination of his services was justified. Non-applicant has relied on 2004 LLR 1105 Div. Controller V. A.V. Mane, 2003 LLR 963, 2006 LLR SC 268 Chairman V. K Heerabai and 2000(2) LLJ SC 1597 in this behalf.

16. Applicant has on the other hand contended that the services could not be terminated without an enquiry

and has relied on 2005 (7) R.D.D. 2335, 2005 (7) R.D.D. 2788, 1998 (7) S.C.C. 84, 2000 (3) S.C.C. 588, 2005 (3) R.D.D. 223, 2005 (4) R.D.D. 887 in which general principles with regard to employees governed by various service rules have been enunciated. The facts of this case do not correspond with these cases. In this case, however, from the facts proved it cannot be concluded that principles of natural justice were violated as sufficient opportunity was given to the applicant to explain his conduct.

17. In AIR 2001 SC 3645 Kanhaiyalal Vs. Factory Manager, Hon'ble Supreme Court has held that to prove loss of confidence what is required to be proved is that (i) the workman is holding a position of trust and confidence, (ii) by abusing such position he commits acts which result in forfeiting the same and (iii) to continue him in service would be embarrassing and inconvenient to the employer or detrimental to the discipline. The employer in this case has proved these facts and such it can be concluded that they were justified in terminating the services of the applicant regardless of the fact that the amount involved was not large.

18. The evidence tendered by the non-applicant proves the charges levelled against the applicant. Non-applicant has contended that in terms of Hon'ble Supreme Court's decision Punjab Dairy Vs. Kala Singh 1997 L.L.J. S.C. 1041 to the effect that on the Labour Court's recording a finding that the domestic enquiry was defective and giving opportunity to adduce evidence by the management and the workman and recording of the finding that the dismissal by the management was valid, it would relate back to the date of the original dismissal and not from the judgment of the Labour Court. In this view of the matter, it can be concluded that termination of applicant's service was not in contravention of the provisions of I.D. Act and the same was justified.

19. This reference is, therefore, answered in following terms:

Termination of the services of applicant Shri Abhimanyu Singh Customer Service Assistant w.e.f. 9-8-2001 was justified and done legally and the applicant is not entitled to any relief.

20. A copy of this Award may be sent to the Government for publication in the Gazette.

PUSHPENDRA S. HADA, Judge

नई दिल्ली, 21 नवम्बर, 2006

का.आ. 4851.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब व सिन्ध बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2, चंडीगढ़ के पंचाट (संदर्भ संख्या 714/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-11-2006 को प्राप्त हुआ था।

[सं. एल-12012/30/1999-आई. आर. (बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 21st November, 2006

S.O. 4851.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 714/2005) of the Central Government Industrial-Tribunal-cum-Labour Court, No. 2, Chandigarh as shown in the Annexure in the Industrial Dispute between the management of Punjab & Sind Bank and their workmen, received by the Central Government on 21-11-2006.

[No. L-12012/30/1999-IR (B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVT. INDUSTRIAL-CUM-LABOUR COURT-II CHANDIGARH

Presiding Officer : Shri KULDIP SINGH

Case No. I. D. No 714/2005.

Registered on 25-08-2005

Date of Decision 20-10-2006.

HARBANS SINGH S/o SHRI TEK CHAND SHARMA,
25, SANT NAGAR, CIVIL LINES, LUDHIANA.

...Petitioner

Versus

THE CHIEF MANAGER, PUNJAB AND SIND BANK,
ZONAL OFFICE, CIVIL LINES, LUDHIANA.

...Respondent

APPEARANCE

For the Workman : Shri T. C. Sharma AR

For the Management : Mr. J. S Sathi, Advocate.

AWARD

The workman continues to be absent. Management appears through Counsel.

The record of the file shows that the workman has never appeared in this case in person. All along he appeared through Counsel. He was given opportunities after opportunities to produce his evidence since years. Ultimately on the request of his Counsel he was given last opportunity for his evidence on 17th July, 2006 that too on payment of Rs. 200/- as costs. Neither he appeared nor paid the cost. From all this, the Tribunal is satisfied that the workman is not interested to follow his case that is why he has never appeared nor has produced any evidence in support of his claim.

The appropriate Govt. vide their order No. L-12012/30/99/IR(B-II) dated 4th June, 1999 desired to know whether the action of the Management of Punjab and Sind Bank in terminating the services of Shri Harbans Singh was legal and just and if not to what relief the concerned workman is entitled to and from which date.

The workman in his statement of claim stated that he had served the Management as Armed Guard in its Jandiala Branch from 4th November, 1997, but his services were

terminated on 28th August, 1998 without any charge sheet or inquiry. Nor any notice was given to him. The Management violated the provisions of Section 25 F, G & H of the Industrial Disputes Act, 1947 as they retained his juniors and terminated his services. They also did not call him back for service after the vacancy arose. They also did not pay him the compensation or wages for the notice period. The Management has denied the claim of the workman stating that the workman was engaged as a daily rated worker at the rate of Rs. 50 per day without following the procedure, therefore, his appointment was irregular. He was not engaged against any permanent post. Moreover the workman was relieved on the joining of a regular guard in the Branch. Thus the Management did not violate any provisions of the law. The reply of the Management was supported by the affidavit of their Manager H.P.S Bawa and the workman supported his claim by his own affidavit. The veracity of claims of the parties could be assessed properly only after the opposite sides had the chance to cross examine the witnesses of the parties. As stated earlier the workman did not appear to stand to the cross examination of the Management, therefore, his claim has not been substantiated by any evidence not even by his own statement. The claim made by the workman, therefore, has remained unsubstantiated.

In view of the non-availability of any evidence to support the claim of the workman, it is held that he is not entitled to any relief as he has failed to prove that his services were terminated by the Management illegally. The reference in the case is answered accordingly. Let a copy of this award be sent to the appropriate govt. for necessary action and the file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 21 नवम्बर, 2006

का.आ. 4852.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2, चंडीगढ़ के पंचाट (संदर्भ संख्या 453/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-11-2006 को प्राप्त हुआ था।

[सं. एल-12011/88/1999-आई आर (बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 21st November, 2006

S.O. 4852.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 453/2005) of the Central Government Industrial-Tribunal-cum-Labour Court No. 2, Chandigarh as shown in the Annexure in the Industrial Dispute between the management of Punjab National Bank and their workmen, received by the Central Government on 21-11-2006.

[No. L-12011/88/1999-IR (B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT-II, CHANDIGARH

Presiding Officer : Shri KULDIP SINGH

CASE No. I. D. No 453/2k5.

Registered on 19-08-2005

Date of Decision 2-11-2006.

The General Secretary,
National Bank of
Indian Employees Union
(North Zone)
C/o PNB, Civil Lines, Rohtak
(Haryana)

... PETITIONER

Versus

Punjab National Bank
The General Manager, PNB,
Regional Office-I, Sector 17-B,
Chandigarh

...RESPONDENT

APPEARANCE

For the Workman : NEMO

For the Management : Shri Manoj Sood AR

AWARD

The workman continues to be absent. Management appears through Counsel. The record of the case shows that the workman played hide and seek in the proceedings and he has never appeared in this Tribunal in person. Ultimately a notice under R/C, vide Postal Receipt No. 1853 dated 14th August, 2006 was issued to the workman and he was directed to appear today, but neither he is present nor the R/C carrying the notice has been received back unserved. The statutory period, to presume his service, is also over. The Tribunal has reasons to believe that the workman has received the notice and he is intentionally not present. It may be he has lost interest in the case.

The Government of India vide their order No. L-12011/88/99 dated 3rd November, 1999 referred the dispute between the parties to this Tribunal to adjudicate upon whether the action of the Management of Punjab National Bank, represented by its Regional Manager PNB, Sector-17-B, Chandigarh in imposing the punishment of warning on charges of major mis-conduct upon Shri M.S. Thakur, vide his order dated 6th Feb., 1996 is just and fair and if not to what relief the workman is entitled to.

After the reference was received the parties appeared, the workman filed Claim Petition and the Management their reply. The workman filed the affidavit of Shri Chandershekhar, the Secretary of PNB worker's Union, Northern Zone as a witness for the workman and also placed on record documents W1, W2 and W3. The Management filed the affidavit of their Manager, HRD Pushpinder Kalia. Thereafter, the case was listed for the evidence of the workman, but, as stated earlier, the workman has neither

appeared nor has produced any evidence. He rather stopped appearing even through his representative and has not appeared even after a notice under R/C. On record I do not find any evidence to show that the action of the Management imposing the punishment of warning upon the workman was unjust and unfair. Therefore, the workman is not entitled to any relief. The reference is answered accordingly. Let a copy of this award be sent to the appropriate govt. for necessary action and the file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 21 नवम्बर, 2006

का.आ. 4853.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स मेरीन फार्वार्डिंग कॉर्पोरेशन के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2, मुम्बई के पंचाट (संदर्भ संख्या 2/69/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-11-2006 को प्राप्त हुआ था।

[सं. एल-31012/2/2004-आई आर (बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 21st November, 2006

S.O. 4853.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. 2/69/2005 of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Mumbai as shown in the Annexure, in the industrial dispute between the management of M/s. Maryn Forwarding Corporation and their workmen, received by the Central Government on 21-11-2006.

[No. L-31012/2/2004-IR (B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT: A.A. LAD Presiding Officer

REFERENCE NO. CGIT-2/69 OF 2005

EMPLOYERS IN RELATION TO THE MANAGEMENT OF

M/s. MARYN FORWARDING CORPORATION

The Partner

M/s. Maryn Forwarding Corporation
B-98, Cotton Exchange Building, 2nd floor
Opp. Cotton Green Railway Station
Cotton Green (E),
Mumbai-400 033.

V/s.

THEIR WORKMEN

Shri Jagdish Singh Negi
Salman Singh Chawl, Room No. 29
G.M. Road, Bhandup (W)
Mumbai-400 078.

APPEARANCES:

For the Employer : Absent

For the Workmen : In person

Mumbai, the 26th October, 2006

AWARD

1. The Government of India, Ministry of Labour by its Order No. L-31012/2/2004-IR (B-II) dated 04-05-2005 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of M/s. Maryn Forwarding Corporation, Mumbai in terminating the services of Shri Jagdish Singh Negi, Forklift Operator w.e.f. 15-9-2000 is justified? If not, what relief; Shri Jagdish Singh Negi is entitled to?"

2. To support the subject matter referred in the reference, second party files statement of claim at Ex-6 stating that, action taken by first party is arbitrarily illegal and bad in law. He prayed to reinstate with benefits of backwages and continuity of service w.e.f. 15-09-2000.

3. Reference was kept for filing of written statement by first party. However first party failed to do so. Order of exparte was passed directing second party to lead evidence.

4. In support of his claim statement, second party filed affidavit at Ex-13 which is not challenged by first party. So it leads me to pass the following order :

ORDER

1. Reference is allowed.

2. First party is directed to reinstate second party, Shri Jagdish Singh Negi and give benefits of backwages with continuity of service w.e.f. 15-09-2000.

A.A. LAD, Presiding Officer

नई दिल्ली, 21 नवम्बर, 2006

का.आ. 4854.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स मेरीन फार्वार्डिंग कॉर्पोरेशन के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2, मुम्बई के पंचाट (संदर्भ संख्या 2/73/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-11-2006 को प्राप्त हुआ था।

[सं. एल-31011/1/2005-आई आर (बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 21st November, 2006

S.O. 4854.— In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. 2/73/2005

of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Mumbai as shown in the Annexure, in the industrial dispute between the management of M/s Maryn Forwarding Corporation and their workmen, received by the Central Government on 21-11-2006.

[No. L-31011/1/2005-IR (B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL NO. 2 MUMBAI

PRESENT:

A.A. LAD, Presiding Officer

REFERENCE NO. CGIT-273OF 2005

EMPLOYERS IN RELATION TO THE MANAGEMENT OF

M/S. MARYN FORWARDING CORPORATION

The Partner

M/s. Maryn Forwarding Corporation
B-98, Cotton Exchange, Building, 2nd floor
Opp cotton Green Railway Station
Cotton Green (E),
Mumbai-400 033.

V/s.

THEIR WORKMEN

Shri Gulabsingh Balamsingh Rawat
Room No. 2, Rajaram Yadav
Utkarsh Nagar,
Tembipada Road,
Bhandup (W),
Mumbai-400 078.

APPEARANCES:

For The Employer : Absent
For The Workmen : In person

Mumbai, dated 27th October, 2006

AWARD

1. The Government of India, Ministry of Labour by its Order No. L-31011/1/2005-IR (B-II) dated 26-05-2005 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication:

"Whether the action of the management of M/s. Maryn Forwarding Corporation, Mumbai in terminating the services of Shri Gulabsingh Balamsingh Rawat, w.e.f. 2-07-2004 is justified? If not, what relief, Shri Gulabsingh Balamsingh Rawat is entitled to?"

2. To support the subject matter referred in the reference, second party files statement of claim at Ex-5 stating that, action taken by first party is arbitrarily illegal and bad in law. He prayed to reinstate with benefits of backwages w.e.f. 02-07-2004.

3. Though notice served on first party, it failed to file written statement. Order of ex parte was passed and second party was permitted to lead evidence.

4. To support the claim second party filed affidavit at Ex-7 which remained unchallenged. So I accept it and proceed to pass following order:

ORDER

1. Reference is allowed.
2. First party is directed to reinstate second party, Shri Gulabsingh Balamsingh Rawat and give benefits of backwages with continuity of service w.e.f. 02-07-2004.

A.A. LAD, Presiding Officer

नई दिल्ली, 21 नवम्बर, 2006

का.आ. 4855.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स मेरीन फार्वार्डिंग कॉर्पोरेशन के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.- 2, मुम्बई के पंचाट (संदर्भ संख्या 2/68/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-11-2006 को प्राप्त हुआ था।

[सं. एल-31012/1/2004-आई. आर. (बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 21st November, 2006

S.O. 4855.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 2/68/2005 of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Mumbai as shown in the Annexure in the industrial dispute between the management of M/s Maryn Forwarding Corporation and their workman, received by the Central Government on 21-11-2006.

[No. L-31012/1/2004-IR (B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT:

A.A. LAD, Presiding Officer

REFERENCE NO. CGIT-2/68OF 2005

EMPLOYERS IN RELATION TO THE MANAGEMENT OF

M/S. MARYN FORWARDING CORPORATION

The Partner

M/s. Maryn Forwarding Corporation
B-98, Cotton Exchange, Building, 2nd floor
Opp Cotton Green Railway Station
Cotton Green (E),
Mumbai-400 033.

V/s.

Their Workman

Shri Dagdu D. Gharage
Shivshakti Seva Sangh
Near Gautam Nagar
Plot No. 4, Govandi
Mumbai-400 043.

APPEARANCES:

FOR THE EMPLOYER : Absent

FOR THE WORKMEN : In person

Mumbai, dated 31st October, 2006

AWARD

1. The Government of India, Ministry of Labour by its Order No. L-31012/1/2004-IR (B-II) dated 04-05-2005 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of M/s. Maryn Forwarding Corporation, Mumbai in terminating the services of Shri Dagdu D. Gharage, w.e.f. 28-09-2002 is justified? If not, what relief, Shri Dagdu D. Gharage is entitled to?”

2. To support the subject matter referred in the reference, second party files statement of claim at Ex-8. Though reference was kept for filing written statement by first party, first party failed to file its written statement. So order was passed to proceed exparte. Accordingly second party files his affidavit in support of claim statement at Ex-13. It was also not challenged by first party.

3. As prayer of second party remained unchallenged, I proceed to pass following order :

ORDER

1. Reference is allowed.
2. Termination effected on second party w.e.f. 28-09-2002 is declared bad in law with direction to first party to reinstate second party, Shri Dagdu D. Gharage and give benefits of backwages with continuity of service w.e.f. 28-09-2002.

A.A. LAD, Presiding Officer.

नई दिल्ली, 21 नवम्बर, 2006

का.आ. 4856.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओरिएण्टल बैंक ऑफ कॉमर्स के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.- 2, मुम्बई के पंचाट (संदर्भ संख्या

2/36/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-11-2006 को प्राप्त हुआ था।

[सं. एल-12011/204/99-आई. आर.(बी-II)]
राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 21st November, 2006

S.O. 4856.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 2/36/2000) of the Central Government Industrial Tribunal-cum-Labour Court, No. 2, Mumbai as shown in the Annexure in the industrial dispute between the management of Oriental Bank of Commerce and their workmen, received by the Central Government on 21-11-2006.

[No. L-12011/204/1999-IR (B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL NO. 2****MUMBAI****PRESENT:**

A.A. LAD Presiding Officer

REFERENCE NO. CGIT-2/36 OF 2000

EMPLOYERS IN RELATION TO THE MANAGEMENT OF**ORIENTAL BANK OF COMMERCE**

The General Manager
Oriental Bank of Commerce
Regional Office, Western Region
Kamanwala Chambers, 5th floor
Sir P.M. Road Fort
Mumbai-400 001

V/s.

Their Workmen

The General Secretary
Oriental Bank of Commerce Employees Union
Jash Chambers, Ground floor
Sir P.M. Road, Fort
Mumbai-400 001

APPEARANCES:

For the Employer : Mr. Manoj M. Gujar,
Mr. V. V. Menon
Advocates i/b
M/s. C. R. Naidu & Co.

For the Workmen : Mr. M. B. Anchan
Advocate

Mumbai, dated 31st October, 2006

AWARD PART-II

The Government of India, Ministry of Labour by its Order No. L-12011/204/99-IR(B-II) dated 25-05-2000 in exercise of the powers conferred by clause (d) of sub-

section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Oriental Bank of Commerce to withdraw the Special Allowance payable to Shri Vinod Khuman is legal and justified? If not, what relief is the workman concerned entitled to?”

2. Part I award was passed on 23-5-2006 observing enquiry fair and finding not perverse. Reference was placed for recording evidence on quantum of punishment. Meanwhile union filed purshis at Ex-27 informing that, they do not want to contest the further part of reference which was not objected by the first party.

3. Relying on purshis Ex-27 filed by second party union, following order is passed :

ORDER

In view of purshis Ex-27, reference is disposed of.

A. A. Lad, Presiding Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL
TRIBUNAL NO. 2
MUMBAI

REFERENCE NO. CGIT-2/36 of 2000

Oriental Bank of Commerce

V/s.

Their Workmen

MAY IT PLEASE YOUR HONOUR:

The Union does not want to contest the above reference and prays that the same may be disposed of accordingly.

Manish,

Sd/-

Dated 18-8-2006 M. E. Alchan, Advocate for the Union

Say

No objection on behalf of 1st party.

Sd/-

(S.V. Alva)

For Mr. Manoj Gujar

Advocate for 1st party, 18-8-06

Seen

Sd/-

(A. A. Lad)

Presiding Officer

18.8.06

नई दिल्ली, 22 नवम्बर, 2006

का.आ. 4857.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-II, चंडीगढ़ के पंचाट (संदर्भ संख्या आई.डी. संख्या

773/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-11-2006 को प्राप्त हुआ था।

[सं. एल-12012/245/98-आई. आर. (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 22nd November, 2006

S.O. 4857.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 773/2005) of the Central Government Industrial Tribunal/cum/Labour Court-II, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workmen, which was received by the Central Government on 22-11-2006.

[No. L-12012/245/98-IR (B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT-II CHANDIGARH

Presiding Officer : SHRI KULDIP SINGH

CASE No. I.D. No 773/2005.

Registered on 5-09-2005

Date of Decision 20-10-2006.

STATE BANK OF STAFF CONGRESS, THE GENERAL
SECRETARY, STATE BANK OF INDIA STAFF
CONGRESS, 1304, SECTOR-23-B, CHANDIGARH

...PETITIONER

Versus

STATE BANK OF INDIA, THE ASSISTANT GENERAL
MANAGER, STATE BANK OF INDIA REGION-IV,
ZONAL OFFICE PUNJAB, SECTOR-17, CHANDIGARH

...RESPONDENT

APPEARANCE

For the Workman : Mr. Raj Kaushik AR

For the Management : Mr. Ashok Kumar Khunger
Advocate.

AWARD

On 4th October, 2006 none of the parties were present. Mr. Raj Kaushik who had appeared for the workman earlier stated that the workman has not contacted him, therefore, he has no instructions to appear in this case. Thereupon notice under R/C was sent to the workman vide Postal receipt No.3046 dated 5th October, 2006. The workman is not present today although he has shown himself to be the resident of Sector-23 of Chandigarh. In my opinion 15 days time was sufficient to serve the workman. Till now the R/C carrying the notice has not been received back nor the workman is present. Management appears through Counsel. The Tribunal is, therefore, satisfied that the workman is no more interested to follow his case and the same is being disposed off in his absence.

The Govt. of India vide their order No. L-12012/245/98/IR(B-I) dated 26th Feb., 1999 referred the dispute between the parties to this Tribunal to examine and give the award whether the action of the Management in terminating the services of the workman w.e.f. 31st May, 1991 was just and legal and if not to what relief the workman was entitled to. The workman claim that he had served the Management as Part Time Sweeper w.e.f. 19th November, 1990 for 194 days; that the Management engaged fresh hands as sweepers after the termination of the services of the workman without giving the workman opportunity to serve, therefore, they violated the provisions of Industrial Dispute Act. The Management by their reply denied the claim of the workman and stated that the case is time barred. That the workman had served for 194 days but his engagement was not against any permanent vacancy; that the workman was engaged for a specific period which ended on 31st May, 1991. Thereafter he was not engaged. They denied the other contents of the Claim Petition. The Management filed the affidavit of Shri S.K. Walia, Deputy Manager in support of their claim whereas the workman filed his own affidavit and also made a part statement. He was under cross examination when the Counsel for the Management desired to confront the workman with original documents and it was in those circumstances the statement of the workman was deferred. Thereafter neither the workman appeared nor his statement could be completed. He has now altogether absented from the prosecution of this case.

On record I do not find any evidence to hold that the Management had terminated the services of the workman illegally w.e.f. 31st May, 1991, therefore, the workman is not entitled to any relief. The reference is answered accordingly. Let a copy of this award be sent to the appropriate Govt. for necessary action and the file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 22 नवम्बर, 2006

का.आ. 4858.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-II, चण्डीगढ़ के पंचाट (संदर्भ संख्या आई. डी. संख्या 1224/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-11-2006 को प्राप्त हुआ था।

[सं. एल-12012/73/2005-आई आर(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 22nd November, 2006

S.O. 4858.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. I.D. 1224/2 K 5) of the Central Government Industrial Tribunal Labour Court-II, Chandigarh now as shown in the Annexure

in the industrial Dispute between the management of State Bank of India and their workman, which was received by the Central Government on 22-11-2006.

[No. L-12012/73/2005-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH Presiding Officer : SHRI KULDIP SINGH

Case No. I.D. No. 1224/2k5.

Registered on 19-12-2005

Date of Decision 30-10-2006

The General Secretary,
State Bank of India Staff Congress,
3030/1, Sector-44-D,
Chandigarh

.....Petitioner

Versus

The Deputy General Manager,
State Bank of India,
Jalandhar (Punjab)

.....Respondent

APPEARANCE

For the Workman : NEMO

For the Management : Mr. S.K. Gupta
Advocate

AWARD

The workman continues to be absent. The record of the file shows that the workman has never appeared in this Tribunal. Ultimately a notice under R/C was issued to him vide Postal Receipt No. 1477 dated 9th August, 2006 and the R/C carrying the notice was received with the endorsement of the Postal authorities "Unclaimed". This shows that the workman has lost interest in the case. The reference is, therefore, being answered in the absence of the workman.

The record of the file shows that the workman despite repeated notices, from Govt. of India and from this tribunal he never appeared nor has filed his Claim Petition so far. This shows that he has lost interest in the proceedings.

The Govt. of India vide their order No. L-12012/73/2005 (IR(B-I) dated 22nd November, 2005 desired to know whether the action of the Management of State Bank of India, Jalandhar in terminating the services of Shri Buta Ram Ghai, Ex-Assistant w.e.f. 6th October, 2001 without giving him proper opportunity to defend his case is legal and justified? If not to what relief the concerned workman is entitled to and from which date.

It is on record that the workman has not filed his statement of claim nor has produced any evidence to support his claim. Thus, on record I do not find any evidence in support of the claim of the workman. Thus the loser is the workman.

After perusing the pleadings of the parties I am satisfied that the workman has failed to prove his claim,

therefore, he is entitled to no relief. The reference made by the appropriate Govt. is answered against him. Let a copy of this award be sent to the appropriate Govt. for necessary action and the file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 22 नवम्बर, 2006

का.आ 4859.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-II, चण्डीगढ़ के पंचाट (संदर्भ संख्या आई. डी. 785/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-11-2006 को प्राप्त हुआ था।

[सं. एल-12012/73/2002-आई आर(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 22nd November, 2006

S.O. 4859.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. I.D. 785/2 K 5) of the Central Government Industrial Tribunal/Labour Court-II, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 22-11-2006.

[No.L-12012/73/2002-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

Presiding Officer : SHRI KULDIP SINGH

Case No. I.D. No. 785/2k5

Registered on 06-09-2005

Date of Decision 31-10-2006

Mohan Lal

R/o Village & Post Office Rattewal,

Tehsil Balachaur,

District Hoshiarpur

(Punjab)

.....Petitioner

Versus

The Assistant General Manager,

State Bank of India,

Region-III, Zonal Office, H.P.,

Post Box No. 13,

Cart Road, Lakkar Bazar,

Shimla

.....Respondent

APPEARANCE

For the Workman : NEMO

For the Management : Mr. S.K. Gupta,
Advocate

AWARD

The workman is not present. The notice for appearance was issued to him a number of times including a notice under R/C which was sent under Postal Receipt No. 1545 dated 10th Sep., 2006. The notice has been received back with a report that the parentage and his community has not been mentioned, therefore, he could not be traced out. In the reference neither the parentage nor the community of the workman has been mentioned.

The record of the file speaks that the workman appeared in this Court through his Counsel Shri J.G Verma, who has left the practice in Chandigarh and who is stated to have gone to Canada. Shri Raj Kaushik, Advocate filed the letter of authority on behalf of the workman, but later on he also withdrew reporting no instructions. It cannot be understood as to why the R/C carrying the notice could not be served upon the workman as there could not be many Mohan Lals from village Rattewal serving with the State Bank of India. It seems that the workman avoided the service on him. He is not present even today. Had he been left with interest in the case he would have definitely followed the case. The Tribunal is satisfied that the workman is not interested to follow the case, therefore, it has decided to answer the reference in the absence of the workman.

The Govt. of India vide their notification No. L-12012/73/2002-IR(B-I)) dated 28th June, 2002 has desired to know whether the action of the Assistant General Manager, SBI, Shimla in terminating the services of Shri Mohan Lal, Ex-messenger was justified, if not to what relief the workman is entitled to.

The workman in his statement of claim has alleged that he had joined the service with the Management as messenger on 6th Dec., 1995 at Nangal Branch and remained posted in that Branch till 6th July, 1996. Therefrom he was transferred to Shah Talai Branch where he joined on 8th July, 1996; that on 26th October, 1998, he fell ill and could not attend to his duties. He applied for leave but the Manager issued him repeated notices by which he treated him to have voluntarily retired from service whereas the workman was sick and not in a position to attend to his duties. It is further the claim of the workman that, after the expiry of the medical leave he reported for duty on 6th April, 1999 but he was told that he is no more their employee. That the Management treated him discriminately as they had allowed a number of bank employees to remain on leave for about two years.

The further claim of the workman is that he was not chargesheeted nor any inquiry was held and that they violated the principle of natural justice, so their action was bad in law.

The Management has opposed the claim of the workman stating that he was in the habit of remaining absent from duty and during the service of 12 years he remained on Extraordinary leave for 710 days. He remained absent from duty w.e.f. 26th Oct., 1998.

Thereupon notices were issued to him directing him to join his duties but he failed to do so. It was thereupon that the workman was treated to have voluntarily retired from service. The workman acknowledged the receipt of the notice treating him to have retired from service. They denied that they had ever received the application for grant of leave from the workman. In view of the continuous absence of the workman, from duty, the Management treated him to have retired from service voluntarily.

The Management produced the affidavit of Shri Ashok Kumar Gupta as their witness, but the workman has not produced any evidence in support of his claim. Since the parties have not proved their pleadings, therefore, the workman has failed to prove that the management had terminated his services without following the provisions of Industrial Disputes Act, 1947, thus his retirement was bad in law.

There is no evidence, much less proved evidence, to show that the Management had violated the provisions of Industrial Disputes Act, 1947, while terminating the services of the workman, therefore, he is not entitled to any relief. The reference is answered accordingly. Let a copy of this award be sent to the appropriate Govt. for necessary action and the file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 22 नवम्बर, 2006

क्र.आ 4860.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, भुवनेश्वर के पंचाट (संदर्भ संख्या आई डी. सं. 249/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-11-2006 को प्राप्त हुआ था।

[सं. एल-12012/631/98-आई आर(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 22nd November, 2006

S.O. 4860.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 249/2001) of the Central Government Industrial Tribunal/Labour Court, Bhubaneswar now as shown in the Annexure in the industrial dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 22-11-2006.

[No. L-12012/631/98-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT, BHUBANESHWAR

Present : Shri N.K.R. Mohapatra,
Presiding Officer, C.G.I.T.-cum-Labour Court,
Bhubaneswar.

Tr. Industrial Dispute Case No. 249/2001

Date of Passing Award — 6th November, 2006

Between:

The Management of the Branch
Manager, State Bank of India,
Mundideuli ADB, Kamakhyanagar,
Dhenkanal.

....1st Party-Management

And

Their Workmen, represented through
The General Secretary, State Bank of India
Employees Union, C/o. State Bank of India,
Zonal Office, Bhubaneswar Orissa-9

....2nd Party-Union

Appearances:

Shri U.C. Mishra, Manager. ... For the 1st Party-
(Law), SBI, Z.O., Sambalpur. Management.

Shri Dharanidhar Swain, ... For the 2nd Party-
General Secretary. Union.

AWARD

The Government of India in the Ministry of Labour, in exercise of powers conferred by Clause (d) or Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their Order No. L-12012/631/98/IR (B-I), dated 04-05-1999:

"Whether the action of the Management of State Bank of India in refusing employment to Shri Laxmidhar Sahoo, workman without complying Section 25-F of the I.D. Act, 1947 is legal and justified? If not, what relief the disputant/workman is entitled to?"

2. Not detailing much of the background of the case, it is alleged by the workman that initially the Management engaged him as a canteen boy from 15-3-1979 to 1981 and then as a Messenger from 13-11-1981 to 22-7-1985 and again as a canteen boy from 1985 to 1988 and then as a Messenger from 4-4-1989 to 4-4-1994. It is further alleged that sometimes in 1988-89 the Management entered into an agreement with the All India State Bank of India Staff Federation to regularize all those who were working on temporary basis for years together and accordingly regularized many such temporary workers. But in his case the Management instead of regularizing him in service taking into consideration his length of his past service period terminated him without notice on 4-4-1994 even though he had worked continuously for 240 days in each previous years. It is further alleged that some of the juniors such as Srikanta Kumar Sahoo, Dillip Kumar Nath and one Govinda Sahu who had worked for lesser period than him were regularized while he was terminated without any justification. It is further alleged that he was never a member of the aforementioned Federation and therefore the agreement

entered with that Federation is not binding on him. With these averments the workman has prayed for his permanent absorption with full back wages.

3. From the written statement of the Management and the judgement delivered by the Orissa High Court in O. J. C. 9037/97 it appears that in order to give a chance to the temporary employees working in various State Banks (Management Banks) for their permanent absorption against permanent vacancies or those likely to arise in future, several rounds of discussion were held on various occasions with the Employee's Federation and accordingly a Bipartite Agreement was signed on 17-11-1987 indicating the policy to be followed so as to provide a chance to these temporary workers for their permanent absorption in Bank's services. Accordingly by way of notification each such employee were asked to apply detailing the total period for which they had worked. Depending upon such length of engagement period the entire temporary employees were divided into different categories and they were interviewed and suitable persons were empanelled in 1990 for their future absorption and in case of left out persons another such list was prepared subsequently. In the meantime several other agreements were entered into with the Federation from time to time widening the scope of the agreement of 1987 and according to these agreements the panel of the selected employees prepared category-wise was to be kept alive up till 31st March, 1997 and thereafter, new terms were to be operated. The modalities about drawing of names from either the panel of temporary employees or the panel of daily wagers and casual labour was also agreed to be decided administratively on circular to circular basis depending upon the local requirements in consultation with the Federation's affiliates by circle Management.

4. In the above back ground, or the case it is contended by the Management that as per the agreement with the Federation and the prescribed modalities after necessary interview the name of the workman found place in the panel of temporary Messengers prepared in the year 1993 but his chance for regularization did not come for want of vacancy/sanctioned posts and therefore he was not engaged from 4-4-1994 as his services which was contingent in nature was no longer required after absorption of required number of persons from out of the said empanelled list. As regards the other contention of the workman it is further averred by the Management that at the time of his disengagement the workman had never worked for 240 days continuously in any of the preceding years and therefore his above termination can not be construed as retrenchment for non compliance of Section 25-F of the Industrial Disputes Act. As regards the absorption of some junior persons named by the workman it is submitted by the Management that two of these persons were daily wagers while the disputant was a temporary worker. As according to the norms the ratio of appointment between temporary workers and daily wagers was 7 : 3 these two persons got the chance of being

absorbed and the third person namely Gobind being of Category-A and the disputant being of Category-B the said Gobind got the chance to be regularized and as such the management can not be blamed for regularization of these three persons who according to the workman were junior to him. To sum up the Management has averred in nutshell that as the workman's chance for regularization did not come within the cut-off date of the agreement he himself did not turn up to office and therefore the same can not be termed as refusal of employment and even if it is treated so, the disengagement of the workman can not be termed as retrenchment for he had not worked for 240 days in any of the preceding years.

5. On the basis of the above pleadings of the parties the following issues were framed.

ISSUES

1. Whether the reference is maintainable?
2. Whether the action of the Management of State Bank of India in refusing employment to Shri Laxmidhar Sahoo, workman without complying Section 25-F of the I.D. Act is legal and justified?
3. If not what relief the disputant/workman is entitled to?
6. To substantiate his stand the workman has examined himself alone as WW-1 while the Management has examined two witnesses in its support.

ISSUE NO. 1

7. This issue is answered affirmatively as no evidence worth the name has been adduced to the contrary.

ISSUE NO. 2 & 3

8. Before dealing with the evidence of the parties it is pertinent to note here that while pleading that he has been illegally retrenched the workman has prayed for his permanent regularization with full back wages. During his evidence he has also adduced evidence claiming for his regularization. The question of regularization not being the subject matter of the reference the evidence adduced by the parties on such aspect become irrelevant for the court to give any finding.

9. Now as regards the factum of illegal termination, which is the subject matter of the reference both parties have played their cards supported with documentary evidences. Admittedly in the 1988 an agreement was reached between State Bank of India and the Federation of All India Employees of State Bank of India and in pursuance thereof several modalities were formulated and applications were invited from the temporary and casual workers both working and earlier working for selection of suitable persons for their regularization. The workman at first took a stand on his claim statement that the agreement so reached between the Management of State Bank of India and Federation is not binding on him in as much as the same was decided behind his back and without any notice to him either by his Union or the Federation. But while deposing before the

Court he intended to rely on the said agreement and the action taken by the Management thereon. So also in his evidence he layed more emphasis on his regularization, which is outside the purview of reference. Looking at such reference it is therefore to be seen alone whether the workman had been refused employment tantamounting to retrenchment as defined under the Industrial Disputes Act with special reference to Section 25-F of the said Act.

10. As Section 25-F reads the foremost requirement to prove a case of retrenchment is to establish that the workman was in continuous employment for 240 days over a period of 12 calendar months next preceding the alleged retrenchment. It is also to be established that such employment was under one Management and the wages received was from one source. Ext.-1 and 2 are the service certificates granted by the Mundideuli A.D. Branch of the Management Bank. These show that during 1981 to 1985 the workman worked as temporary Messenger for 18 days in 1981, 90 days in 1982, 132 days in 1983, 139 days in 1984 and 97 days in 1985. Again in the year 1989 he was engaged for 7 days, in 1990 for 52 days, in 1991 for 52 days, in 1992 for 235 days, in 1993 for 284 days and in 1994 i.e. in the year of alleged retrenchment for 48 days on daily wage basis. The engagement year 1993 and 1994 being relevant for our purpose the days of work performed by the workman during such period becomes almost the determining factor.

11. According to the workman he had worked continuously during 1993 and 1994 till he was refused employment on 4-4-1994. The Management witness has also indirectly admitted that the workman was engaged up till 3-4-1994 but from 4-4-1994 he had voluntarily abandoned the job. Except this no evidence worth the same has been adduced by the Management to show that the engagement during 1993 and 1994 was not continuous. Therefore, taking into account the number of days worked during the above period, as evidence from Ext.-2, it can safely be concluded that the workman was in continuous employment for 240 days during preceding 12 months attracting the provisions of Section 25-F of the Industrial Disputes Act.

12. Now the question arises as to whether the workman was refused employment from 3-4-1994 or whether he had remained absent voluntarily since that day. The evidence of the Management witness shows that as per the agreement with the Federation all the temporary/casual employees were grouped as A, B, C on the basis of their tenure of engagement and were asked to face selection test for their suitability to be absorbed against regular vacant post within the cut off date of the agreement. He further states that on the basis of such interview the workman was empanelled in the supplementary list meant for Group-B but as per the modalities prescribed the chances of the workman did not come for regularization due to non-availability or vacant posts. His evidence further shows that those who could get a chance were subsequently given regular employment. This version of the Management witness spells out that after all the vacant posts were filled up by persons from out of the panel there was no job

available for the remaining left out persons. This itself suggest that the left out persons were indirectly refused employment. In the instant case the Management has taken a stand that from 3-4-1994 onwards the workman had abandoned the job. But this abandonment can not be termed as voluntary, the same being the probable outcome or an indirect refusal of employment. The term "retrenchment" as defined under the Act means the termination by the employer of the service of a workman for any reasons whatsoever unless it falls under any of the excerpts prescribed. Therefore, the reason of indirect refusal of employment to the workman as discussed earlier can not be used as a shield by the Management to justify that the workman had abandoned the service after 3-4-1994. From the discussions made in the foregoing paras it is clear that the workman was in continuous employment for 240 days during last 12 calendar month next preceding the date of such refusal and as such the case fall within the purview of Section 25-F of the Industrial Disputes act. As the concessions provided under the said provisions, has admittedly not been followed by the Management the workman is entitled to recover the said concession.

13. From the evidence adduced by both parties it is clear, as discussed above, that the Management after the expiry or the cut off date of the agreement is no more banking upon engagement of casual or temporary workers. The document Ext.-2 produced by the workman shows that he was working on daily wage basis at the time of such refusal of employment. Therefore, instead of ordering for his reinstatement, the Management is directed to pay a consolidated compensation of Rs. 50,000 to the workman in lieu of his retrenchment benefits etc within two months from the date of receipt of the award from this end.

14. The reference is answered accordingly.

Dictated & Corrected by me.

N. K. R. MOHAPATRA, Presiding Officer

नई दिल्ली, 23 नवम्बर, 2006

क.आ 4861.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंडिकेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बंगलोर के पंचाट (संदर्भ संख्या 49/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-11-2006 को प्राप्त हुआ था।

[सं. एल-12012/71/2003-आई आर(बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 23rd November, 2006

S.O. 4861.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 49/2003) of the Central Government Industrial Tribunal-cum-Labour Court Bangalore now as shown in the Annexure in the industrial Dispute between the management of Syndicate

Bank, and their workman, received by the Central Government on 23-11-2006.

[No.L-12012/71/2003-IR(B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT BANGALORE

Dated : 7th November, 2006

PRESENT

Shri A. R. Siddiqui, Presiding Officer

C. R. NO. 49/2003

I Party

II Party

Shri A. C. Belliappa,
1-320 Indira Extension,
Kushalnagar,
Coorg District,
Karnataka State.

The Asstt. General Manager,
Syndicate Bank,
Zonal office,
IRC, Gandhinagar,
Bangalore—560009

APPEARANCES

1st Party : Shri V S Naik, Advocate

2nd Party : Shri Ramesh Upadhyaya, Advocate

AWARD

The Central Government by exercising the powers conferred by clause (d) of Sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute *vide* Order. No. L-1201/72/2003-IR(B-II) dated 14th August 2003 for adjudication on the following schedule :—

SCHEDULE

“Whether the action of the management of Syndicate Bank in dismissing Shri A.C. Belliappa, Ex. Clerk from service w.e.f. 20-8-2001 is legal and justified? If not, what **relief** the workman is entitled to and from which date?”

2. The case of the first party workman on merits (pleadings with regard to fairness, validity or otherwise of the enquiry proceedings dropped there being separate finding on Domestic Enquiry Issue), in brief, is that he being an Ex-serviceman was appointed as a Clerk in the Second party management bank (hereinafter called the Management) w.e.f. 1-1-1978. While he was discharging his duties in the Metagali Branch, Mysore, he was served with the charge sheet dated 11-04-2000 alleging that while he was working at Bylakuppe branch demanded bribe of Rs. 5000 from Shri K.K. Vasudev, the customer of the management who was sanctioned a loan of Rs. 5 lakhs for construction of building for lodging and boarding purpose. It was further alleged that the first party met the said Shri Vasudev stating that the Branch Manager has sent him to collect 1% of the loan amount (Rs.5000) as bribe to be distributed among the branch the Manager and the Regional Manager but the borrower did not pay the same. It is alleged that the first party was on leave on 8-12-1999

and on 9-12-1999 and a further loan of Rs.1 lakh was released to the borrower and the first party again asked the borrower to pay the bribe immediately. It is alleged that the borrower complained to the branch about the illegal gratification made by the first party and that amounts to misconduct under Clause 19.5 of the Bipartite Settlement. The first party denied the charges levelled against him but the management not being satisfied, ordered Domestic Enquiry into the matter and on the basis of the *ex parte* domestic enquiry conducted against him, enquiry officer submitted his findings holding him guilty of the charges and the first party being furnished with the copy of the findings along with the second show cause notice, was proposed the punishment of dismissal and after the so called opportunity of personal hearing given to him punishment of dismissal was confirmed and his appeal against the punishment order came to be dismissed mechanically. Therefore, enquiry findings suffered from perversity particularly, for the reason that the above said Shri Vasudev on whose complaint/letter charge sheet was issued was not examined during the course of enquiry and his subsequent letter dated 29-12-2000 to the effect that the first complaint was not correct has not at all been considered by the enquiry officer in holding him guilty of the charges. Therefore, he contended that punishment order passed against him unjust, illegal and also shockingly disproportionate to the gravity of the misconduct and hence is liable to be set aside.

2. The management by its Counter Statement on the other hand contended that on the basis of the complaint dated 16-12-1999 lodged by Shri K.K. Vasudev alleging that the first party demanded a sum of Rs. 5000 from him at the rate of one per cent of total sanctioned loan amount of Rs. 5 lakhs stating that the Branch Manager wanted this percentage for sanctioning/releasing of the loan amount as a bribe to be paid to the Branch Manager and the Regional Manager, the management issued a charge sheet against the first party and on the basis of the enquiry conducted against him and the enquiry findings holding the first party workman guilty of the charges he was dismissed from service. The management contended that the above said misconduct committed by the first party was quite serious in nature involving the branch manager indulging in corruption; the punishment of dismissal was quite proportionate and incommensurate with the gravity of the charges. The management contended that the findings of the enquiry officer were very much based upon sufficient and legal evidence and were supported by cogent and valid reasonings and therefore, can never be said to be suffering from any perversity to be interfered at the hands of this tribunal.

3. Keeping in view the respective contentions of the parties with regard to the validity, fairness or otherwise of the enquiry proceedings, this tribunal on 30-12-2004 framed the following Preliminary Issue :—

“Whether the Domestic Enquiry conducted against the first party by the second party is fair and proper?”

4. After due trial of the said issue, this tribunal on 7-2-2006 recorded a finding to the effect that the Domestic Enquiry held against the first party by the second party is fair and proper. Thereupon, the first party once again examined himself as WW1 on the point that since from the date of dismissal from service he could not get any job despite his sincere efforts and in his cross examination he denied the suggestion that he is working as Insurance Agent while was away from the service of the management.

5. I have heard the learned counsels for the respective parties on merits and proceeded to pass the following award.

6. Learned counsel for the first party vehemently argued that the findings of the Enquiry Officer based upon the so called complaint of said Shri Vasudev and in turn relying upon the statements of MW1, 2 & 4 was perverse in the sense that it was not sufficient and legal evidence in as much as the Complainant, Shri Vasudev was not produced during the course of enquiry and thereby contents of his complaint were not at all proved. He contended that oral testimony of management witnesses before the enquiry officer to the effect that said Vasudev made Written complaint in their presence cannot be said to be sufficient and legal evidence and should have been rejected by the enquiry officer as an hearsay evidence. His further contention was that said Shri Vasudev infact had withdrawn his alleged complaint dated 16.12.1999 by writing a letter to the branch Manger dated 29.12.2000 and therefore, the circumstance of non-examination of said Vasudev in the enquiry and the fact that he had withdrawn his complaint subsequently must have been sufficient enough for the learned enquiry officer to come to the conclusion that charge of misconduct levelled against the first party has not been established. On the other hand he acted upon the above said complaint and the oral testimony of management witnesses rejecting the subsequent letter of Vasudev and thereby committed a gross error in holding the first party workman guilty of the charges and in the result findings suffered from perversity.

7. Whereas, learned counsel for the management argued that the fact that Shri Vasudev gave his written complaint at Ex.MEX. 1 marked during the enquiry, in the presence of Branch Manager and other two bank's officials has been very much established during the course of enquiry by the Management by examining the Branch Manager, MW1 and the other two officials MW2&4 and their statements have also been supported and corroborated by the statement of MW3, the Investigation Officer in the matter.

8. The contention of the first party that non examination of Shri Vasudev was fatal to the case of the management and that contents of his complaint should not have been lead in evidence appears to be devoid of any force for the reason that MW1, 2&4 in one voice have deposed during the course of enquiry that it is Vasudev who gave the complaint at Ex. MEX-1 in their presence bearing their signatures. This fact as could be read from the evidence brought on record during the course of

enquiry has remained to be unchallenged and uncontroverted as the first party did not participate in the enquiry proceedings itself for one reason or the other. Therefore, since MW1 who is a responsible officer of the Bank in no uncertain terms has spoken to the fact that the complaint at Ex. MEX-1 is the complaint made by the said Vasudev and his statement again has been corroborated by the oral testimony of MW2 & 4 and so also the statement of the Investigation officer, MW3, it is very difficult not to believe the case of the management that contents of the complainant have not been proved despite the fact that complaint was not examined. There was absolutely no reason for the enquiry officer not to act upon the testimony of MW 1 particularly, when was supported by the statements of MW 2&4 speaking to the fact that Vasudev made the complaint at Ex. MEX. 1 to the branch manager, MW1 in their presence and which evidence remains on record undisputed and unchallenged. The contention of the first party that in the face of subsequent letter of Shri Vasudev marked during course of enquiry at Ex.DEX. 1, the complaint earlier to the complaint at Ex.MEX. 1 should not have been acted upon and the reasonings given by the enquiry officer in rejecting the same are not sound and cogent, in my opinion, is again devoid of substance. First of all on going through the enquiry findings it can be found that the enquiry officer has bestowed his personal attention and considered both the aforesaid documents in their proper perspective and rightly rejected the second letter of said Shri Vasudev giving valid and cogent reasonings. The learned enquiry officer rightly rejected the reasonings given in the subsequent letter by said Vasudev which alleged that he made the first complaint against the first party being compelled by the Branch Manager to give such a complaint against the first party or else he will not be released with sanctioned loan amount. No Branch Manager would stoop to such a level in getting the complaint against his own staff, that too, for no reasons, as no ill will as such has been established between the first party and the Branch Manager. The Branch Manager was bound to honour the agreement made between himself and said Vasudev as borrower in releasing him sanctioned loan amount. It was an official covenant and would have reached its logical and as per the bank rules and terms of the agreement between the bank and the customer. There was no question of Branch Manager forcing the customer to give false complaint against his staff and then the customer obliging him by giving false complaint against an innocent and a poor staff and therefore, it is here the learned enquiry officer was right to observe that this letter (subsequent letter) must have been obtained or caused to be written to the Branch Manager by the said Vasudev at the instance of first party himself so as to save his skin. Infact during the course of deposition of MW1, Branch Manager has come out with the version that after the second letter was written by Vasudev, Shri Vasudev called on him and stated that he had to withdraw his complaint by writing the letter subsequently at the request and at the behest of the first party which statement of MW1 again remains undisputed

and uncontroverted. Therefore, in the face of the oral and documentary evidence pressed into service by the management during the course of enquiry which evidence infact has gone unchallenged and uncontroverted by the first party not participating in the enquiry, now does not lie in the mouth of the first party to contend that charges of misconduct levelled against him have not been proved or that findings of the enquiry officer suffered from any perversity. However, having regard to the fact that the first party as an Ex-serviceman had put in unblemished service of more than 20 years with the management bank, in my opinion he did not deserve severe punishment of dismissal and therefore, in the ends of justice punishment of dismissal can be replaced with the punishment of termination of his services thereby enabling the first party getting his terminal benefits for the services rendered by him with the management. Accordingly reference is answered and following award is passed :

AWARD

The punishment of dismissal imposed upon the first party is replaced with the punishment of termination of his services w.e.f. the original date of punishment. No costs.

(Dictated to PA transcribed by her corrected and signed by me on 7th November, 2006)

A. R. SIDDIQUI, Presiding Officer

नई दिल्ली, 23 नवम्बर, 2006

का.आ. 4862.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैंगलोर पोर्ट ट्रस्ट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बंगलोर के पंचाट (संदर्भ संख्या 38/05) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-11-2006 को प्राप्त हुआ था।

[सं. ए-45011/2/2005-आई आर (बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 23rd November, 2006

S.O. 4862.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 38/2005 of the Central Government Industrial Tribunal-cum-Labour Court Mangalore as shown in the Annexure in the industrial Dispute between the management of Mangalore Port Trust, and their workman, received by the Central Government on 23-11-2006.

[No. L-45011/2/2005-IR (B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
BANGALORE

Dated : 28th September, 2006

PRESENT: SHRI A. R. SIDDIQUI, Presiding Officer

C.R. No. 38/2005

I Party

The General Secretary,
Karnataka Dock and
General Workers' Union,
Panambur,
Mangalore-575 010.

II Party

The Chairman,
New Mangalore Port Trust,
Panambur,
Mangalore-575 010.

AWARD

1. The Central Government by exercising the powers conferred by Clause (d) of Sub-section (1) and sub-section 2A of Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. L-45011/2/2005-IR (B-II) dated 29-8-2005 for adjudication on the following schedule :

SCHEDULE

"Whether the action of the management of Traffic Department, New Mangalore Port Trust in denying wages to Shri N. M. Koya Kutty of Registered Cargo Handling Workers' Administrative Wing, from 19-03-2004 to 18-05-2004 is legal and justified? If not, to what relief the workman is entitled?"

2. When the matter stand for Claim Statement. It was taken up before the Lok-Adalat counsel for the second party filed a memo along with minutes of meeting held with Union Representatives to settle the matter and to pass award accordingly in terms of the said memo. There is no representation for the first party and claim statement also is not filed so far. Therefore, in the light of the aforesaid memo and the minutes of the meeting it appears to me that ends of justice will be met if the matter is taken closed as settled out of court. Hence, the following award is passed in terms of the minutes of the meetings as under :

"After detailed discussion, the union representatives unanimously agreed not to press for the wages to Shri N. M. Koya Kutty, Shore Leader, T. No. 58 by the Management of Regd. Cargo Handling Workers Adm. Wing, for the period from 19-3-2004 to 18-5-2004 and the union agreed to treat the dispute as closed."

(Dictated to L D C, transcribed by him, corrected and signed by me on 28th September, 2006)

A. R. SIDDIQUI, Presiding Officer

नई दिल्ली, 23 नवम्बर, 2006

का.आ. 4863.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केनरा बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बंगलोर के पंचाट (संदर्भ संख्या 40/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-11-2006 को प्राप्त हुआ था।

[सं. एल-12012/71/2002-आई आर (बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 23rd November, 2006

S.O. 4863.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 40/2002) of the Central Government Industrial Tribunal-cum-Labour Court Bangalore as shown in the Annexure in the industrial Dispute between the management of Canara Bank and their workmen, received by the Central Government on 23-11-2006.

[No. L-12012/71/2002-IR (B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
BANGALORE**

Dated: 14th November, 2006

PRESENT: Shri A. R. Siddiqui, Presiding Officer

C.R. No. 40/2002

I Party

Shri D. Narayanaswamy, The Dy. General Manager,
Krishna Kripa No. 76/77, Canara Bank, Disciplinary
II Main Link Road, Action Cell, Circle Office,
Opp. Lakshmi Nursing No. 86, M. G. Road,
Home, Seshadripuram, Bangalore-560001
Bangalore-560020

II Party

APPEARANCES

1st Party : Shri B. M. Muniraju,
Advocate
2nd Party : Shri T. R. K. Prasad,
Advocate.

AWARD

1. The Central Government by exercising the powers conferred by Clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. L-12012/71/2002-IR(B-II) dated 30th July 2002 for adjudication on the following schedule :

SCHEDULE

"Whether the action of the management of Canara Bank is justified by dismissing Shri D. Narayanaswamy, Ex-Clerk from the services w.e.f. 29-11-1998 ? If not, what relief he is entitled to and from which date ?"

2. A Charge sheet dated 24-8-1998 was issued to the first party in the following terms :—

"Whereas, there are *prima facie* grounds for believing that you have committed Gross Misconduct, the particulars whereof are given below, this charge sheet has been drawn up against you and you are required to submit to me within 15 days of receipt of this charge sheet a statement in writing setting forth your defence, if any, and showing cause as to why suitable action should not be taken against you.

Charge 1 : you have been working as a Clerk at our Pattanayakanahalli Branch since 11-6-1993.

You were entrusted with supervisory duties in the leave vacancy of an officer with effect from June 1997. During the course of your supervisory duties, you have withdrawn Rs. 37,000 by using withdrawal order forms from the SB account No. 9727 of Shri Rajanna by forging the signature of Shri Rajanna on various dates, beginning from 1-8-1997, as detailed below :

Sl. No.	Date	Amount (Rs.)
1.	1-8-1997	10,0000
2.	11-8-1997	2,000
3.	21-8-1997	3,000
4.	Nil	10,000
5.	13-11-1997	1,000
6.	16-12-1997	5,000
7.	7-3-1998	4,000
8.	9-3-1998	2,000

With a view to ensure that this fraudulent debit is not noticed by the account holder, you have merely entered them in the cash column of the subsidiary sheet of ledger No. 4 without entering in account No. 9727 of Shri Rajanna. You have filled up the withdrawal orders forms in your own handwriting and obtained the payments from the Cashier. You have managed to allot the balancing of ledger No. 4 to a Clerk and whenever he declared differences in the balancing, you have manipulated the balancing by adjusting the fraudulently drawn amounts in the totals of the balancing book.

As on 31-3-1998, you yourself have extracted the balancing and while doing so, to conceal the fact of fraudulent withdrawal of Rs. 37,000, you have replaced the original ledger sheet pertaining to SB account No. 9693 of Smt. Savithamma who had a balance of Rs. 41,308.80 in the new ledger sheet you have sown the balance by deducting Rs. 37,000. You have shown the balance as Rs. 4,309.10 whereas correct balance in the S account No. 9693 stood at Rs. 41,308.80. This fact has been confirmed by Shri P. S. Venkatesha Murthy who is looking after the SB account No. 9693 of his mother Smt. Savithamma. You have, in your statement submitted to the Investigating Officer on 22-4-1998, admitted all the above facts.

Thus, there are reasons to believe that you have resorted to a series of fraudulent acts to gain pecuniary benefit for your self by forgery/falsification of Bank records and also exposed the bank to serious financial risks.

By your action of attempting to cause damage to the property of the Bank/customers, you have committed Gross Misconduct within the meaning of Regulation 3 Clause (j) of Canara Bank Service Code.

Your actions being prejudicial to the interest of the Bank, you have also committed Gross Misconduct within

the meaning of Chapter XI Regulation 3 Clause (m) of Canara Bank Service Code.

Change II :—You have been working as a Clerk at our Pattanayakanahalli Branch since 11-6-1993.

While so working, you have allowed TODs in the following SB accounts without any authority vested in you or authorization/permission/knowledge of the Manager :

Sl. No.	Date	Name and Account No.	Amount (Rs.)
1.	22-9-1997	Shri H. Narendera Babu-12151	5,000
2.	9-10-1997	Sri P. L. Lakshmana- 8100	2,500
3.	11-11-1997		2,000
4.	17-11-1997	Sri K. L. Veerabhadraiah-9275	5,000
5.	25-11-1997	Shri Thimmaiah-11430	4,000
6.	10-3-1998	Shri D. Parameshwar Rao-6959	5,000

Shri P. L. Lakshmana, holder of SB account No. 8100 has stated in his statement dated 7-4-1998 that you have allowed TOD on 9-10-1997 and 11-11-1997 for Rs. 2,500 and Rs. 2000 respectively. He has also confirmed having signed the withdrawal order forms and obtained the payment.

Shri D. Eshwar, in his statement dated 7-4-1998, has stated that you had asked him on 10-3-1998 to obtain the signature of his brother Shri D. Parameshwar Rao, holder of SB account No. 6959. On a blank withdrawal order form and accordingly he brought the signed withdrawal order form and handed over the same to you. Shri D. Eshwar has further confirmed that a sum of Rs. 5,000 was not drawn on 10-3-1998 in the SB account No. 6959. On verification it was found that the withdrawal form in question was fraudulently filled up by you with the account number shown as 751 instead of 6959. Shri D. Parameshwar Rao has confirmed that he did not receive Rs. 5000 as shown in the withdrawal order form.

Shri M. Thimmaiah, holder of SB account No. 11440, has stated in his statement dated 2-5-1998 that you have obtained his signature on two withdrawal order forms on 24-7-1997 and 25-11-1997 for Rs. 5000 and Rs. 4000 respectively and he affixed his signature at your instance. He has confirmed that he did not receive the amount written in the withdrawal order form and also not remitted any amount in his SB account on 30-3-1998 as evident by records. You have remitted the amount of Rs. 5000 to SB account No. 11430 on 30-3-1998.

You have, in your statement dated 22-4-1998 submitted to the Investigating Officer, admitted all the above facts. Apart from this, you have also admitted that you had kept with you two original ledger sheets pertaining to SB account No. 9693 of Smt. Savithramma and SB account No. 8100 of Shri P. L. Lakshmana and surrendered the same to the Manager at his residence. You have further confirmed that you have utilized the funds for yourself to close computer loan and for construction of house at Bangalore.

Thus, you have without any authority vested in you and without the knowledge or permission of the Manager, allowed TODs in the SB accounts of the customers to gain pecuniary benefit for yourself and misappropriated the bank's funds for your own use.

By your action of attempting to cause damage to the property of the Bank/Customers, you have committed Gross Misconduct within the meaning of Regulation 3 Clause (j) of Canara Bank Service Code.

Your actions being prejudicial to the interest of the bank, you have also committed Gross misconduct within the meaning of Chapter XI Regulation 3 clause (m) of Canara Bank Service Code.

Charge -III: You have been working as a Clerk at our Pattanayakanahalli Branch since 11-6-1993.

The branch had received a branch advice requisition form for Rs. 12,762.90, being the Cancard FTVs of yourself, Shri Kenchappa C.R and Shri Rajashekar. V.G to be debited on 16th January 1998. You have kept the said branch advice requisition till 28-3-1998 and debited the respective accounts only on 28-3-1998 by writing Duplicate on the original FTV to conceal the delay in debiting the same to the respective accounts.

You have thus wilfully and dishonestly withheld the original BAR relating to Cancard FTV with an intention to delay the payment and resorted to falsification of records by mentioning as Duplicate on the original BAR to cover up the act of unauthorized detention of the BAR.

By your action of attempting to cause damage to the property of the bank, you have committed Gross misconduct within the meaning of Regulation 3 Clause (j) of Canara Bank Service Code.

Your actions being prejudicial to the interest of the Bank, you have also committed Gross misconduct within the meaning of Chapter XI regulation 3 Clause (m) of Canara Bank Service Code"

3. As the first party is said to have not responded to the said charge sheet, the management ordered Domestic Enquiry against him and it being participated by the first party along with DR, both of them admitted the charges of misconduct levelled against him, the enquiry officer accordingly submitted his findings holding him guilty of

the charges and thereupon, second show cause notice was issued to the first party along with the proposed punishment of dismissal and after the personal hearing conducted, punishment was confirmed and his appeal against the punishment order also was rejected.

4. The first party in his claim statement (pleadings with regard to the DE have been omitted there being a separate finding on the DE) as far as merits of the case is concerned has contended that he has not committed any fraud and whatever has happened could at best be termed as bona fide error occurring in the usual course of his working in the bank; that he was threatened that if he does not admit to the misconduct, police case will be lodged against him and in case he accepted his guilt and gives a letter as desired by the Investigation Officer, his case will be brought under clause 19.12(e) of the settlement and he will not be imposed capital punishment of discharge or dismissal and therefore, on the assurances given, he gave a letter dated 22-4-1998 as desired by the Investigation Officer. He was then kept under suspension and disciplinary proceedings were initiated against him by issuing the charge sheet. In the enquiry he admitted mistakes committed by him and the enquiry officer closed the enquiry proceedings on the ground that he admitted the guilt. Thereupon, notice of proposed penalty of dismissal was served upon him and he made his submissions and by order dated 29-11-1998 he was dismissed from service. His appeal dated 12-2-1999 also was dismissed despite the fact that he made submissions to the effect that he had an unblemished service with several letters of appreciation he dismissed from the management bank and also passed promotion test consecutively six times. Therefore, the first party contended that he is innocent and he would not have admitted the guilt but for the assurances held out to him that no penalty will be imposed upon him. He contended that despite his admitting the guilt, the enquiry officer ought to have conducted a regular enquiry examining the management witnesses and considering the documentary evidence as what was done in the enquiry was the plea bargaining and that the workman would not have admitted the guilt if assurance was not given to him for not imposing the penalty of dismissal. Therefore, the first party submitted that the dismissal order passed against him be set aside reinstating him in service with continuity of service, back wages and other consequential benefits.

5. The management by its Counter Statement first of all contended that the reference itself is bad as the date of the dismissal shown in the schedule of the reference is 29-11-1998 instead of 29-12-1998. The management then gave the details of the charge sheet levelled against the first party and contended that to the charge sheet issued to the first party there was no reply given by him and therefore, Domestic Enquiry was ordered against him and the first party while participating in the enquiry proceedings along with his DR, Shri Purushotham Dass admitted all the charges levelled against him making a submission to take a lenient view against him. Therefore, the enquiry officer

closed the enquiry proceedings and submitted his findings holding the workman guilty of the charges. Thereupon, personal hearing dated 29-12-1998 was conducted by the Disciplinary Authority sending a show cause notice to the first party along with the findings of the enquiry officer, during which personal hearing once again the first party admitted the misconduct requesting the disciplinary authority to take lenient view. However, the Disciplinary Authority taking into consideration all the facts confirmed, the punishment of dismissal and the Appellate Authority also dismissed the appeal filed by the first party. The management then contended that keeping in view the gravity of the misconduct committed by the first party, he lacks the trust, faith and confidence of customers and as such he cannot be continued in service. The management also contended that the plea of the first party that he submitted letter dated 22-4-1998 admitting the misconducts as desired by the Investigation Officer and the assurances given to him is false and an after thought in as much as he on his own free will has given the letter admitting the guilt. The management also contended that when the first party in no uncertain terms admitted the guilt during the course of enquiry, there was no necessity for the enquiry officer to conduct a regular enquiry calling upon the management to lead oral and documentary evidence. The management contended that in the face of admission of guilt by the first party, findings of the enquiry officer holding him guilty of the charges is legal and valid and suffered from no perversity and therefore, reference is liable to be rejected.

6. Keeping in view the respective contentions of the parties with regard to the validity, fairness or otherwise of the enquiry proceedings, this Tribunal on 30-12-2004 framed the following Preliminary Issue:

“Whether the Domestic Enquiry conducted against the first party by the second party is fair and proper?”

7. After, due trial of the said issue, this Tribunal by order dated 29-8-2006 recorded a finding to the effect that Domestic Enquiry conducted . Against the first party by the Second Party is fair and proper. Thereupon, the matter came to be posted for hearing of the arguments of the learned counsels representing the parties on merits of the case i.e. on the alleged perversity of the findings and the quantum of the punishment. On 13-9-2006, 9-10-2006 and 3-11-2006 when the case was taken up for the above said purpose, learned counsel representing the first party remained absent and therefore, after hearing the arguments of learned counsel representing the management, the matter is posted for award.

8. Learned counsel for the management in his arguments submitted that the first party has admitted the charges of misconduct levelled against him throughout i.e. by giving his letter dated 22-4-1998 under his own handwriting to the Investigation Officer even before the charge sheet was issued and thereupon, he admitted the guilt appearing before the enquiry officer by himself and

through his DR seeking lenient view. He once again admitted the guilt during the course of personal hearing conducted by the Disciplinary Authority and then again he admitting the misconduct committed by him, filed an appeal seeking lenient view. He contended that the contention of the first party that he would not have given the above said letter dated 22-4-1998 to the Investigation Officer (marked at Ex.M12) if there was no assurance given to him that he will not be dealt with severe punishment as otherwise, police complaint will be filed against him is an after thought defence taken by him so as to come out of the clutches of the enquiry findings holding him guilty of the charges. He also submitted that there was no necessity for a regular and full-fledged enquiry by the enquiry officer when the first party admitted the guilt having been read over with the charges not only by himself but also through the DR representing his case.

9. As noted above, learned counsel for the first party was not available when the matter was taken for arguments and, therefore, there is no argument on behalf of the first party to substantiate his contention that enquiry findings suffered from any perversity. On going through the records I find substance in the arguments advanced for the management. It is to be seen from the above said letter at EX. M12 that the first party admitted the charges of misconduct levelled against him not in one or two sentences but giving out the facts in detail with respect to each and every item of the charge levelled against him. He had also given the reasons as to under what circumstances i.e. under financial crisis he had to misutilise the funds of the customers belonging to the management. Therefore, contention of the first party that he gave such a writing to the investigation officer on the promises and assurances given by the Investigation Officer that he will be dealt with leniently in case he admitted the guilt giving letter in that behalf certainly appears to be an after thought and a make belief story. That apart, as contended for the management as could be seen from the proceedings of the enquiry conducted against the first party, the first party admitted the charges of misconduct levelled against him in very clear words. On the first sitting of the enquiry held on 24-8-1998, he appeared before the enquiry officer and on his request of taking the assistance of DR on the next date, case was adjourned to 3-11-1998. On 3-11-1998, the first party appeared before the enquiry officer along with his DR, Shri Purushotham Dass, Officer, HL Centre, South end Road, Bangalore, President, Canara Bank SC/ST Employees Welfare Association. When he was read over with the charges the first party without any hesitation appears to have admitted the charges and it is on his request, his defence representative made the submission that "Even though the CSE has admitted the charges, I would like to bring to your kind notice the following points for your favourable consideration":

1. At the time of constructing the house the CSE held raised funds from outsiders on interest and also to meet the family commitments and the

children education expenses etc. he was forced to borrow at huge rate of interest. It ultimately resulted in financial crisis and under compelling and frustrated situation he was forced to reluctantly compelled to resort to such things. To prove his innocence and bona fide he has admitted the mistakes committed by him without any demur.

2. The CSE has put in 12 years of service with excellent gradation with clean record and has dependents to support. It is submitted that these facts may be taken into consideration.

10. It is on the aforesaid submission made by the first party and his DR the enquiry officer closed the enquiry proceedings and thereupon submitted his findings. There is absolutely no explanation offered by the first party as to why and under what circumstances he admitted the charges of misconduct levelled against him before the enquiry officer. Perhaps he could not have gone back on his plea of guilt before the enquiry officer when his DR also made similar submissions to the enquiry officer seeking lenient view against the first party.

11. The first party once again pleaded guilty to the charges in, very clear terms in submitting his written explanation marked at EX. M7 to the Disciplinary Authority in response to the show-cause notice issued to him proposing the punishment of dismissal along with the copy of the enquiry report. In this explanation also he stated he had borrowed heavily at abnormal interest availing computer loan and under these compelling circumstances he committed the mistake in a spur of moment and expressed his sincere regrets for the same. During the course of personal hearing also he did not dispute the fact of committing the misconduct as alleged against him. Once again in his appeal marked at EX. M11 he repeats the circumstances under which he had to commit the mistake (misconduct) and pleaded for lenient view. Therefore, now it does not lie in the mouth of the first party to say that he had given his letter at EX. M12 under force. Promise or assurances. Even for a moment it is to be taken that such a letter was given by him on the assurances given by the Investigation Officer then nothing prevented him to have denied the charges of misconduct levelled against him when he appeared before the enquiry officer. Here as noted above, he takes the help of a learned DR and through him makes the aforesaid submissions seeking lenient view. Moreover, at no point of time at the aforesaid various stages he complained to the effect that he made the writing at EX. M12 under force or promise. That apart, even if we ignore the letter at EX. M12, then as seen above, the first party had admitted the guilt rather the charges of misconduct levelled against him at all the levels of proceedings till his appeal as dismissed by the Appellate Authority concerned. Therefore, when he admitted the guilt as contended for the management there was no necessity for the enquiry officer to conduct a full dress enquiry calling upon to adduce oral and documentary evidence in support of the charges

levelled against the first party. It is now well settled principle of law that the enquiry officer need not proceed ahead with a detailed and regular enquiry incase, the delinquent concerned admitted the charges of misconduct, that too, in a manner done by the first party in the present case. In the result, enquiry officer cannot be blamed or held at fault in submitting his enquiry findings holding the first party workman guilty of the charges. Findings of the enquiry officer since are based upon the plea of guilt, there is absolutely no scope for this tribunal to give any weightage to the contention of the first party that the enquiry findings suffered from any perversity. In the result, it must be held that charges of misconduct, noted above, have been proved against the first party beyond any shadow of doubt.

12. Coming to the quantum of the punishment, it was well argued for the management that keeping in view the nature of the charges and the fact that the first party misappropriated the amount involved in those charges not on one occasion but on different dates, the misconducts committed by the first party certainly come under the definition of 'grave misconduct' to be viewed very seriously by the management bank loosing confidence in him. Therefore, keeping in view the gravity of the charges of misconduct levelled against the first party, in my opinion, it is not a fit case where this tribunal can exercise its discretionary powers under Section 11-A of the ID Act taking any lenient view. Therefore, punishment of dismissal is confirmed and following award is passed.

AWARD

The reference stands dismissed. No costs.

(Dictated to PA transcribed by her corrected and signed by me on 14th November, 2006.)

A. R. SIDDIQUI, Presiding Officer

नई दिल्ली, 23 नवम्बर, 2006

का.आ 4864.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विजया बैंक के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलौर के पंचाट (संदर्भ संख्या 7/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-11-2006 को प्राप्त हुआ था।

[सं. एल-12011/243/2000-आई आर(बी. II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 23rd November, 2006

S.O. 4864.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. I.D. No. 7/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the Annexure in the Industrial Dispute between the management of Vijaya Bank, and their workman, received by the Central Government on 23-11-2006.

[No. L-12011/243/2000-IR (B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT BANGALORE

Dated: 3rd November, 2006

PRESENT:

Shri A.R. SIDDIQUI, Presiding Officer

C.R. No. 7/2001

IPARTY

The General Secretary
Vijaya Bank Employees
Association,
No.67/2nd Floor,
K. H. Road,
Shantinagar,
BANGALORE-27

II PARTY

The Regional Manager,
Vijaya Bank, Head Office,
41/2, M.G. Road,
Trinity Circle,
BANGALORE-01

APPEARANCES

1st Party Shri S. B. Mukkannappa, Advocate.

2nd Party Ms. A. Yogasree, Advocate.

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-12011/243/2000/IR(B-II) dated 29th January 2001 for adjudication on the following schedule :

SCHEDULE

"Whether M/s. Vijaya Bank is justified in terminating Shri V. Jayaprakash Hegde, Clerk, Belgaum Branch from service w.e.f. 17-6-1995 by way of punishment? If not, what relief the workman is entitled to?"

2. The case of the first party workman, as made out in the Claim Statement, coming to the merits (pleadings with regard to enquiry proceedings are omitted there being a separate finding on DE issue) is that he was served with the charge sheet dated 24-1-1994 on the allegations that he has temporarily misappropriated the money belonging to the bank customer and thereafter tampered the earlier date on the instruments in order to conceal his fraudulent act or acts prejudicial to the interest of the bank amounting to gross misconduct under sub-clause (j) of Clause 19.5 of the Chapter 19 of the Bipartite Settlement. He submitted his written statement on 15-2-1994 denying the charges and thereupon the management not being satisfied with the explanation offered by him, Domestic Enquiry was conducted against him and on the basis of the enquiry report holding him guilty of the charges he was served with the second show-cause notice proposing the punishment of dismissal and thereafter, he was dismissed from service. He contended that the management by overlooking his entire case has blindly accepted the report of the enquiry officer and confirmed the proposed punishment and thereafter the Appellate Authority also mechanically rejected his appeal against the dismissal order passed by the Disciplinary Authority. Then he raised the

dispute before the Jurisdictional Conciliation Officer on 16-11-1999 through the Union and the proceedings having ended in failure resulted into the present reference. He contended that the dismissal order passed against him is unjust, illegal and against the evidence brought on record and so also disproportionate to the alleged misconduct committed by him amounting to unfair labour practice besides, victimization and therefore, is liable to be set aside granting him the relief of reinstatement, continuous service and other consequential benefits.

3. The Management by its Counter Statement however, contended that while the first party was working at the Shahapur Belgaum Branch, an investigation in respect of difference of Rs. 500 in the amount remitted to current account of Corporation of City of Belgaum was ordered by the Regional Manager, Belgaum and it is on the basis of the report of the Investigation Officer dated 22-9-1993 finding a prima facie case of misconduct committed by the first party in misappropriating the above said amount of Rs. 500 temporarily, ordered DE against the first party and on the basis of the enquiry report holding the workman guilty of the charges, he was dismissed from service. It is the case of the management that on 8-9-1993, on which date the first party was handling cash, fourteen tax payers had remitted cash to the branch into Current Account No. 402 of the Belgaum Corporation totaling Rs. 4782.30. The first party intentionally totalled the amount of 14 slips as Rs. 4282.30, i.e. Rs. 500 less than the actual amount he received and sent the credit slip to the officer for ledger posting and subsequently he prepared the Corporation Scroll mentioning the total amount as Rs. 4202.30, again Rs. 500 less than the actual amount and sent it to the officer. However, apprehending that his action of misappropriation of Rs. 500 from the Corporation account would be deducted, he prepared a credit voucher with advice on 10-9-1993 mentioning as "by amount short credited on 8-9-1993, now credited by VIP Hegde, Cashier" and credited the amount of Rs. 500 to the Corporation account by changing the total in the scroll in order to conceal his aforesaid fraudulent act. He also changed the denomination on return challan No.15523 by overwriting to show that the cash of Rs. 500 was short received and hence the cash had tallied on 8-9-1993 inspite of the short total of Rs. 500 in the Corporation Scroll. The management contended that the first party misappropriated above said amount of Rs. 500 intentionally belonging to the customer for a period of two days and also tampered with the instruments of the bank in order to conceal his fraudulent act and therefore, committed gross misconduct and therefore, has rightly been punished with the order of dismissal. The punishment being proportionate to the gravity of the charges of misconduct particularly, in the light of his past conduct in as much as he was punished with the penalty of stoppage of three increments permanently vide order dated 15-10-1990, for having

committed the misconduct of misappropriation of bank's funds vide charge sheet dated 10-2-1990. He was also punished with the stoppage of two increments permanently having come to the bank in a drunken condition vide charge sheet dated 14-5-1991. He was punished once again by stoppage of three increments permanently and stoppage of one increment permanently for the misconduct of unauthorized absence vide charge sheet dated 14-12-1992 and 23-2-1994. Therefore, the management was justified in dismissing the first party from services having lost confidence in him. In the result, the reference is liable to be rejected.

4. Keeping in view the respective contentions of the parties with regard to the validity and fairness or otherwise of the enquiry proceedings, this tribunal on 15-7-2002 framed the following Preliminary issue :

"Whether the Domestic Enquiry conducted against the first party by the Second Party is fair and proper?"

5. On the due trial of the said issue, this tribunal by order dated 12-4-2006 recorded a finding on the above said issue to the effect that the DE conducted against the first party by the Second party is fair and proper. Thereupon, the learned counsels for the respective parties have filed their written arguments and their arguments is in line with the respective contentions taken by them in pleadings and therefore, need not be once again elaborated.

6. Keeping in view the finding of this tribunal on the point of DE holding that proceedings of enquiry held against the first party were fair and proper, the only question now to be considered would be whether the findings of the enquiry officer suffered from perversity and as to whether the punishment of dismissal awarded to the first party was disproportionate to the misconduct alleged to have been committed by the first party. The next question to be considered would have been the discretionary powers to be exercised by this tribunal under Section 11A of the ID Act with regard to the punishment imposed upon the first party.

7. Learned counsel for the first party in his argument as noted above, just repeated the various contentions taken by him in the Claim Statement and also referred to the statements of certain management witnesses to point out the fact that it was not the case of the misappropriation but the case of short credit of Rs. 500. His main stress was on the point that it is the first party himself who pointed out the short credit of Rs. 500 and he himself came forward and deposited Rs. 500 immediately after having realized that he had short credited Rs. 500 with the account of the Corporation Bank which amount he had received from one of the customers of the bank on 8-9-1993. Therefore, the learned counsel submitted that it was not a case of misappropriation or even it was so, it was just for a period of 2 days and in the result he should not have been punished for the misconduct of misappropriation that too with the

punishment of dismissal not at all commensurate with gravity of the alleged misconduct.

8. Learned counsel for the management in his argument also referred to the oral testimony of the relevant management witnesses speaking to the fact of the misconduct committed by the first party workman and the fact that he tampered the instruments of the bank namely, the three vouchers and also the instrument showing the denomination of notes written on Ex. M4, in order to appreciate the respective contentions of the parties, it will be worthwhile to bring on record the very observations and reasonings given by the enquiry officer in holding the workman guilty of the charges. With regard to the charge of misappropriation, the learned Enquiry Officer on page 8 of the enquiry report observed as under :

"From his own averments and the exhibits referred here above, it is established that as against total amount of Rs. 4782.30 he has totalled it as Rs. 4282.30 i.e. Rs. 500 less than the actual amount in respect of 14 tax bills on 8-9-1993, both in the credit slip sent to the officer for ledger posting and in the Corporation Scroll prepared by him vide Ex. M1. This short credit of Rs. 500 was made good by him only on 10-9-1993 and he himself brought this fact to the knowledge of Branch Manager on that day. Therefore, he is aware on 8-9-1993 itself that he has short credited a sum of Rs. 500 to the Corporation account by totalling it as Rs. 4282.30 i.e. Rs. 500/ less than the actual amount of Rs. 4782.30. Obviously this short credited amount of Rs. 500 was utilized by the CSE without appropriating to the customers account for two days. This act on the part of the CSE amounts to misappropriation and cannot be said as a technical or unintentional mistake of short credit as contended by the defence. By all accounts it goes to establish that it was intentional and deliberate."

9. On the charge leveled against the first party that in order to conceal the fraudulent act, the first party tampered with bank instruments altering the total amount received by him in three vouchers and also the figures with regard to the denomination of notes, learned Enquiry Officer on page 9 gave his reasonings as under :

"In order to conceal this fraudulent act, the CSE had altered the total of three vouchers and also the denomination of notes written on Ex. M4. which is on record. As seen from the reverse of Ex M.4 the total of three vouchers for Rs. 786, Rs. 322.50 and Rs. 856.75 was originally written as Rs. 1962.25 in blue ink (Total amount of 3 bills viz. Ex. M2, 3 and 4). This was written by the tax payer while tendering the cash which was subsequently altered it as Rs. 1462.25 by altering the figure "7" as "2" in respect of bill amount for Rs. 786 and similarly the figure "9" as "4" thus making it appear as Rs. 1462.25. The alteration was made in black ink which was used by the CSE to

write down the denomination of notes received from the party. The CSE had originally written the denomination of notes received as Rs. $100 \times 10 = 1000$, Rs. $50 \times 19 = 950$, $10 \times 1 = 10$ and $5 \times 1 = 5$ and the total of which also recorded as Rs. 1965. But the amount of Rs. 950 received by Rs. 50/ denomination notes has been altered as Rs. 450 and similarly the total of Rs. 1965 has been also changed as Rs. 1465 by overwriting. This fact is established not only by the testimony of MW1 but also seeing the original documents which are on record as Ex. M4. Therefore, the evidence on record goes to show that the CSE in order to conceal his fraudulent act has also changed the denomination and totals on reverse of challan by overwriting to show that cash of Rs. 500 was short received and hence the cash had tallied on 8-9-1993 inspite of the short total of Rs. 500 in the Corporation scroll. Therefore, the evidence on record clearly establishes the fact that the CSE has temporarily misappropriated a sum of Rs. 500 belonging to Bank's Customer and thereafter tampered with the earlier date instruments in order to conceal his fraudulent acts as alleged in the chargesheet which are prejudicial to the interest of the Bank."

10. Therefore, from the reading of the aforesaid passages of the Enquiry Report, it can be very well seen that the management in order to prove the charges of misconduct levelled against the first party relied upon as many as 20 documents marked at Ex. M1 to M20 and examined the material witnesses including MW1 to 3 to speak to the charges committed by the first party. The documents and the oral testimony of management witnesses in no uncertain terms established the charges. In fact the above said documentary evidence and the oral testimony pressed into service by the management has not been challenged and controverted during the course of cross examination of the management witnesses as could be seen from the proceedings of the enquiry brought on record before this tribunal. In fact, as could be made out from the averments in the Claim Statement and the written arguments submitted by the learned counsel for the first party, the fact of the first party receiving a sum of Rs. 4782.30 as on 8-9-1993 from the various customers to the account of the Belgaum Corporation has not at all been denied. The fact that the first party sent credit slip entering the main scroll showing the amount received by him as Rs. 4282.30 vide Ex. M1, short crediting Rs. 500 has never been disputed by the first party, rather, has been admitted by him in the very reply given by him to the charge sheet. It is again the very case of the first party himself that having detected himself the short credit of Rs. 500, it is he himself brought this fact to the notice of the manager concerned on 10-9-1993 and credited a sum of Rs. 500 to the account of Corporation Bank. The fact that he tampered with bank instruments has again not been disputed or challenged and therefore, now it cannot lie in the mouth of the first

party to say that there was no intention on his part to misappropriate the above said amount of Rs. 500 and that his above said act was done in good faith which is evident from the fact that he deposited the amount of Rs. 500 on 10-9-1993 itself without short crediting of Rs. 500 being debited by the officer's concerned. It was rightly observed by the enquiry officer that the short credit of Rs. 500 was misutilised by the first party for about a period of two days which amount belonged to the customer of the bank. The enquiry officer was also right in holding that the first party in order to conceal his fraudulent act, tampered the bank instruments by altering the figure of Rs. 950/-, Rs. 50 denomination notes as Rs. 450 and thereby altering total figure of Rs. 1965 as Rs. 1465 by overwriting those figures. This fact has not only been established in the testimony of MW1 but also corroborated by the documentary evidence at Ex. M4. Therefore, keeping in view the oral and documentary evidence brought on record by the management during the course of enquiry, by no stretch of imagination it can be said that the reasonings given by the Enquiry Officer holding the workman guilty of the charges were not supported by sufficient and legal evidence and that findings given by him suffered from any perversity.

11. Now, coming to the question of quantum of punishment, the aggravating circumstances against the first party are the aforesaid punishments imposed upon him on earlier four occasions. The first two misconducts committed by him in the past about misappropriation of the bank funds and attending the duty in the drunken state certainly are misconducts involving moral turpitude. The mitigating circumstances however, in favour of the first party are that the misappropriation committed by him was temporary in nature and that this short credit of Rs. 500 was made good by him within two days of misconduct committed by him despite the fact that it was not detected by the management. Therefore, having regard to his past service record, the present nature of misconduct and the aforesaid mitigating circumstances, it appears to me that ends of justice will be met if the punishment of dismissal passed against him is converted into Compulsory Retirement from the services of the management bank w.e.f. the date of impugned punishment order passed against him. Accordingly, the reference is answered and following award is passed : -

AWARD

The punishment of dismissal passed against the first party is hereby modified and replaced by the punishment of Compulsory Retirement from the services of the management w.e.f. the date of impugned punishment order already passed against him. No costs.

(Dictated to PA transcribed by her corrected and signed by me on 3rd November, 2006)

A. R. SIDDIQUI, Presiding Officer

नई दिल्ली, 23 नवम्बर, 2006

का.आ. 4865 .— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंडिकेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलौर के पंचाट (संदर्भ संख्या 65/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-11-2006 को प्राप्त हुआ था।

[सं. एल-12011/177/2003-आई आर (बी.-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 23rd November, 2006

S.O. 4865.— In Pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 65/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the Annexure in the Industrial dispute between the management of Syndicate Bank, and their workman, received by the Central Government on 23-11-2006.

[No. L-12011/177/2003-IR (B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT BANGALORE

Dated: 3rd November, 2006

PRESENT :

Shri A.R. SIDDIQUI : Presiding Officer

C. R. No. 65/03

IPARTY

The Secretary,
Syndicate Bank
Employees Union,
No.138, 2nd Floor,
2nd Main Road,
Seshadripuram,
Bangalore-560020

IIPARTY

The Asstt. General Manager,
Syndicate Bank,
Zonal Officer, IRC,
Gandhinagar,
Bangalore-560009

APPEARANCES

1st Party : Shri B D Kuttapa, Advocate

2nd Party : Shri Ramesh Upadhyaya, Advocate

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-12011/177/2003-IR (B-II) dated 31st October 2003 for adjudication on the following schedule :

SCHEDULE

"Whether the action of the management of Syndicate Bank is justified having dismissed Shri SM Kalebag,

Attender from service w.e.f. 31-8-1999. If not, what relief he is entitled to?"

2. The case of the first party workman on merits (pleadings with regard to the enquiry proceedings have been omitted there being, a separate finding on DE issue) is that after his transfer from Indi branch on 22-1-1998 and while he was working at the Divisional Office, Bijapur as an Attender, he was placed under suspension by order dated 30-12-1998 and then a charge-sheet was issued to him alleging that he issued/caused issuance of Solvency Certificate bearing No. 55/98 dated 19-8-1998 for Rs.150 to one Shri D. R. Rathod, purported to have been issued by the Indi branch of the bank during which period the first party was not working at the said branch. The management initiated enquiry proceedings against him based on letter dated 10-10-1998 said to have been obtained from Shri D. R. Rathod written in Marathi language addressed to the Manager of Indi Branch alleging that said Solvency Certificate was received by the said Rathod from the first party at the bus stand at Indi. Subsequently, said Shri Rathod wrote a letter dated 27-7-1999 to the Assistant General Manager, Zonal Office, I.R.C, Bangalore denying of his having received the said certificate from the first party which letter was not taken on record by the management and his explanation to the charge-sheet dated 10-3-1999 was also ignored. In the meanwhile, Investigation Officer took his signature on the written statement in English language assuring him that his interest will be protected and that action is being taken against said Rathod; that on the basis of the enquiry conducted, the enquiry officer submitted his findings holding him guilty of the charges which findings are perverse not supported by sufficient legal evidence and in the light of the very observations made by the learned enquiry officer in the report that there was no evidence to show that first party issued a Solvency Certificate. However, the learned enquiry officer without finding any evidence against the first party relied upon certain so called circumstantial evidence and on the basis of the conjunctions and presumptions, held the first party guilty of the charges of misconduct and those perverse findings being relied upon by the Disciplinary Authority mechanically, the first party was served with second show cause notice and after having rejected the explanation submitted by the first party, confirmed the proposed punishment of dismissal and his appeal against the said order also came to be rejected followed by the order of the Chairman and the Managing Director on the mercy petition filed by the first party. The first party was never in the service of the Indi branch as on the date certificate in question was issued to said Rathod and therefore, question of his handing over said certificate to Shri Rathod does not arise; that the main witness to prove the charge against the first party was said Rathod, based on whose alleged written complaint dated 10-10-1998 enquiry was conducted has not been examined

by the management and that the enquiry officer relied upon the hear-say of MW 1 & 2 and wrongly come to the conclusion that the first party was guilty of the charges; that the enquiry officer also did not take into consideration the fact that said Shri Rathod also wrote a letter dated 27-7-1999, whereunder he had withdrawn the first letter dated 10-10-1998 stating that he did not receive the certificate from the first party. Moreover, no police complaint was or any action was taken against said Shri Rathod though he is said to have obtained the said certificate fraudulently purported to have been issued by the said Indi Branch. There was also no evidence available to the enquiry officer in coming to the conclusion that the first party issued the certificate against the consideration of Rs.1000 regarding which finding has been given by him. The fact that the first party was on leave on medical ground between 18-8-98 to 20-8-1998 has not been considered by the enquiry officer and the Disciplinary Authority and therefore, the findings suffered from perversity, liable to be set aside.

3. The management by its Counter Statement however, contended that the enquiry officer after having conducted the enquiry into the charge-sheet against the first party submitted his detailed enquiry report by properly analyzing the evidence and it is based on the said enquiry report, the Disciplinary Authority rightly issued Second Show Cause Notice to the first party proposing the punishment of dismissal and after given him an opportunity of personal hearing, confirmed the punishment of dismissal. The appeal preferred by the first party was also dismissed. The management contended that there was no necessity for the management to examine the above said Shri Rathod on whose complaint the charge sheet was issued, particularly, when the first party took the contention that said Rathod also wrote a letter dated 27-7-1999 subsequent to his complaint dated 10-10-1998. The management further contended that statements of MW 1 & 2 cannot be rejected as hearsay evidence, they being the responsible officers. The management contended that statement of MW 2 was based upon the discussion made by him with the said Shri Rathod and the statement in writing by him and therefore, it cannot be said that it was not a legal and sufficient evidence to connect the first party with the guilt. The management contended that there was no necessity for it to take any action against the said Shri Rathod as the management did not suffer any monetary loss. The management contended that the letter dated 27-7-1999 was not necessary be considered as there was no procedure of withdrawing first complaint by substituting another letter. The management also contended that the mere fact that the first party was on medical leave between 18-8-1998 to 20-8-1998 is not a circumstance sufficient to say that he did not issue the certificate on 19-8-1998 when there is sufficient evidence on record to suggest that he was visiting the Indi branch, operating his personal account and also

bringing Tapals from Bijapur branch to Indi branch and vice versa unofficially. The management contended, that there may not be any direct evidence with regard to the issuance of certificate by the first party to said Rathod but the circumstantial evidence that Shri Rathod met the branch Manager and submitted his written statement indicating the first party was sufficient enough to prove the charges and therefore, the findings submitted by the enquiry officer are very much supported by legal and sufficient evidence in turn by cogent and valid reasonings and hence cannot be said to be suffering from any perversity. Therefore, the management requested this tribunal to reject the reference.

4. Keeping in view the respective contentions of the parties with regard to the validity and fairness or otherwise of the enquiry proceedings, this tribunal on 29-12-2004 framed the following preliminary Issue :

“Whether the Domestic Enquiry conducted against the first party by the second party is fair and proper?”

5. After due trial of the said issue, this tribunal recorded a finding to the effect that the enquiry conducted against the first party by the second party is fair and proper. Thereupon, I have heard the learned counsels for the respective parties on merits i.e. on the alleged perversity of the findings and the quantum of the punishment.

6. Learned counsel for the first party argued that there was absolutely no direct evidence much less sufficient and legal evidence for the enquiry officer to come to the conclusion that the first party was guilty of the charges levelled against him. He contended that the oral testimony of MW 1 & 2 which has been relied upon by the enquiry officer to connect the first party with the guilt was an hearsay evidence not to be acted upon in the absence of direct evidence of the said Shri Rathod on whose alleged statement at EX. MEX. 9, the charge-sheet was issued and enquiry was conducted. He contended that statement of MW 1, the Investigation Officer first of all was formal in nature for the investigation done by him behind the back of the first party and could not have been found basis for the proof of the charges levelled against the first party particularly, when he admittedly did not meet the said Shri Rathod and recorded his statement. Moreover, the evidence of MW 1 was based upon the statement of MW 2, the then Branch Manager, Indi whose statement before the enquiry officer itself was an hearsay evidence in turn said to have been based on the oral discussion made between him and the said Rathod and the alleged statement made by said Shri Rathod at EX. MEX. 9. He submitted that the findings of the enquiry officer that the first party passed the Solvency Certificate in favour of Shri Rathod against the consideration of Rs.1000/- is again based on the hearsay evidence of MW 2 which fact is not at all mentioned in the very statement at EX. M 9 said to have been made by said

Rathod in the presence of MW 2. He contended that enquiry officer himself though observed in his report that there is no evidence on record to suggest that the first party issued certificate in favour of said Rathod but strangely, relied upon some extraneous circumstances namely, the visits given by the first party to the Indi Branch for the purpose of operating his personal account and some-times taking the Tapal from Indi branch to Regional Office at Bijapur and vice versa. Therefore, learned counsel submitted that there being no sufficient and legal evidence that the findings of the enquiry officer suffered from perversity.

7. Whereas, learned counsel for the management vehemently argued that charges of misconduct levelled against the first party have been proved in the oral testimony of MW 1 & 2, the statement of said Shri Rathod at EX. MEX-9 and the undisputed fact that the first party was visiting the said branch quite often thereby giving rise to the possibility that he had access to the rubber seals available in the branch thereby forging the certificate in question and then handing over to said Shri Rathod. He submitted that the circumstantial evidence as well as the Statement of MW 2 was sufficient and legal enough to come to the conclusion that it is the first party alone who had manipulated the said certificate and handed it over to said Rathod. Therefore, he submitted that the charges against the first party has been proved beyond any doubt.

8. In order to appreciate the respective arguments of the learned counsels for the parties, it appears to me that worthwhile to bring on record the very observations and reasonings given by the enquiry officer. Learned enquiry officer after having observed and giving the finding on page 5 of the report to the effect that the Solvency Certificate at EX. MEX. 7. in this case is not a genuine one and not issued by the Indi Branch, on the question as to whether the first party was involved in the issuance of such a certificate, on pages 5 and 6 recorded his finding as under:

“ Now the question to be decided is, whether the charged employee is involved in the issuance of such an un genuine or fabricated Solvency Certificate, MEX-7. It has come in the evidence of MW 1 and MW 2 that though the charged employee was relieved from Indi branch to RO, Bijapur, he used to visit the Branch often to operate his account. It is also on record that charged employee was working in Indi branch for a long period. MW 2 has deposed that, while discussing with Shri Rathod, he told him that he had received the Solvency Certificate MEX-7 from Shri S.M. Kalebag, who is the Attender of Indi Branch at the bus stand. In MEX-9, a letter written by the party, Shri Rathod, he has mentioned this fact that he received Solvency Certificate from Shri S. M. Kalebag. The evidence of MW 2 shows that during the discussion, Shri Rathod informed him that he

paid Rs. 1000 cash to Shri Kalebag to obtain the said Solvency Certificate. Further, Shri Rathod also asked him whether any departmental action will be taken against Shri Kalebag for his fraudulent acts. No doubt there is no evidence to show that Shri Kalebag has issued the Solvency Certificate but the probability of affixing the branch seal to the said certificate and handing it over to the party concerned cannot be overruled. The evidence of MW 2 cannot be brushed aside as he had personally discussed with Shri Rathod in a cordial manner, calling him to the office. Further, he has also identified him since the party once came to the branch with a request to issue Solvency Certificate. However, the same has been rejected. The evidence of MW 2 and the veracity of the facts deposed by him cannot be doubted as he had a personal discussion with the party. Further, he says the party has also apprehended departmental action against Shri S.M. Kalebag. It is also to be noted that the party has given it in writing as per MEX-9, wherein he has confirmed that he has received the certificate from Shri S.M. Kalebag. The evidence of MW 2 stands un rebutted and as a manager of the branch who had personal discussion with the party I find full credence in the deposition made by MW 1. Further, the circumstantial evidence, as emerged from out of the facts deposed by the Management witnesses and the documents produced by the management in support of the same, indicate the preponderance of probability that the charged employee has assisted the party in obtaining the non genuine Solvency Certificate, in getting the branch seal affixed to the said certificate for consideration of Rs. 1000/- from the party. It is on record that he used to visit the branch even after he is received from Indi branch, often and formerly he was working as Attender in the branch for a long period. It will not be difficult for him to get the branch seals spread over on the table of the supervisory staff. It is an admitted fact by the charged employee that he used to visit the branch and take the tapals meant for RO Bijapur and also for operation of his SB Account. His statement that he does not know Shri Rathod cannot be accepted in view of the fact that the party himself disclosed the name and stated that the charged employee has delivered the Solvency Certificate to him at the bus stand. Basing on the evidence on record and the circumstances surrounding the case, I am compelled to come to a conclusion that the charged employee has assisted the party to get his Solvency Certificate in question for consideration of Rs. 1000/- as stated by the party himself before the Manager of Indi branch i.e. MW 2. If more facts, would have been brought to light on his involvement in getting the non-genuine Solvency Certificate to the party. However, I find that the

evidence produced before me by the management and the circumstantial evidence emerged from out of the facts deposed by the witnesses and charged employee in this matter in whatever manner, for consideration of Rs. 1000/- from the party."

9. Before advertng upon the merits of the case, I would like to bring on record certain facts undisputed by the parties. It is not in dispute that the certificate in question having been tendered by the said Rathod with the Public Works, West Division, Satara. It was sent under covering letter at MEX-6 to the Indi branch by the Divisional Accounts Officer, Public Works West Division, Satara to ascertain the authenticity of the said certificate being issued by the said branch. A perusal of the MEX-8 disclosed that the Indi Branch Manager replied to the Public Works Department to the effect that on the verification of their records, no such certificate has been issued by the Branch and he requested the said authority to direct said Rathod to call on Indi branch. It is said that thereupon, Indi branch manager (MW2) made efforts to locate said Rathod and ultimately Shri Rathod came to him on 10-10-1998 and made the statement at Ex. MEX-9 stating that he received the said certificate from the first party. It is based on the said statement charge sheet was issued, enquiry was conducted and on the basis of the findings of the enquiry officer holding the workman guilty of the charges, he was dismissed from service. It is again not in dispute that the first party though was transferred from Indi branch to Regional Office, Bijapur somewhere in the month of January 1998, he having his residence at Indi, himself was travelling to Indi from Bijapur quite often. It is also on record that while visiting his Residence at Indi he was operating his personal current account at Indi branch and also was visiting the said branch taking Tapal from said branch to head office at Bijapur and Tapal from head office, Bijapur to Indi branch unofficially. As noted above, there has been a finding recorded by the enquiry officer relying upon the testimony of MW 1 & 2 and the documentary evidence to the effect that the above said certificate at Ex. MEX-7 was not a genuine certificate and was not issued by the Indi Branch. This finding of the enquiry officer has not been challenged by the first party.

10. Now we have to come to the merits of the case to see whether charge against the first party that he issued the said certificate and handed it over to said Shri Rathod has been established by the management by sufficient and legal evidence. As could be read from the very observations made by the enquiry officer in his report on page 5, undisputedly, there was no evidence to show that the first party had issued the Solvency Certificate. By so observing the learned enquiry officer proceeded to observe that the probability of first party affixing the branch seals to the said certificate and handing it over to the party concerned cannot be overruled. In this context, he relied upon the evidence of MW 2, wherein he had stated that said Rathod

had met him at Indi branch and during the discussion told that he received the said certificate from the first party on consideration of Rs.1000/-. First of all as argued for the first party, keeping in view the contents of very Ex. MEX. 7, the letter written by MW 2 at Ex. M8 referred to supra and the statement of MW 2 before the enquiry officer, it becomes very difficult to rely upon the statement of MW 2 as a gospel truth. As per EX. MEX 8 he had asked the Public Works department at Satara to direct Shri Rathod to call on Indi branch and whereas, in the statement before the enquiry officer he has come to say that he made efforts to locate Shri Rathod and on 10-10-1998 Shri Rathod came to his chamber along with one teacher and at that time he recalled that Shri Rathod had also come to him seeking Solvency Certificate sometimes back and thereby identified him and had discussion with him and had obtained the statement at Ex. MEX. 9. Whereas, the letter at Ex. MEX 9 will be reading to the effect that he himself visited the branch to get confirmed about the Solvency Certificate issued by the branch. He never said that he was directed by the Public Works Department, Satara to visit the branch or he was sent by MW 2 for the purpose of enquiry etc. Therefore, the very identity of Mr. Rathod is shrouded in mystery and one cannot be sure enough to say that it is Mr. Rathod himself had even the statement at Ex. MEX. 9 visiting MW 2 at said Indi branch. Even otherwise, statement of MW 2 could not have been believed and acted upon safely when Mr. Rathod it self has not been examined before the enquiry officer to speak to the contents of Ex. MEX. 9. Shri Rathod was the important and competent and best witness to speak to the said statement and to the fact that he made the statement before MW 2, at Ex. MEX. 9. But the enquiry officer relied on the statement of MW 2 who was not competent to speak to the contents of the said statement. It is interesting to note that learned enquiry officer in his report nowhere considered the fact of non-examination of said Mr. Rathod and he just relied upon the statement of MW 2 and acted upon the statement of Ex. MEX. 9 in coming to the conclusion that it was the first party who issued the certificate. Of course, learned enquiry officer also relied upon the circumstances of the first party visiting the branch and possibility of he fabricating the said certificate taking the help of branch seals spreading over on the table of the supervisory staff. This finding of the enquiry officer in my opinion is not based upon the cogent and material evidence. Merely, because the first party was visiting the branch, it cannot give rise to the conclusion that he must have used the branch seals and fabricated the certificate in question and then handed it over to said Shri Rathod particularly, when the first party was not in the service of the Indi branch at the relevant point of time. The circumstantial evidence such as the statement of MW 2, the fact that the first party was visiting the branch and that the branch seals were available rather accessible easily to anybody in the bank would not have been found basis for the proof of the charge of misconduct

leveled against the first party when the enquiry officer himself was to observe that there was no evidence to show that first party issued the said certificate. The possibility of somebody else using the branch seals and fabricating such a certificate can never be ruled out. The finding of the enquiry officer that the first party issued the certificate against consideration of Rs. 1000/- is again without any basis rather based upon the hearsay statement of MW 2, saying that during the discussion by him with Shri Rathod, he told that he had paid Rs. 1000/- to first party in obtaining the certificate. If really, this fact was figured during the course of discussion then it is not explained as to why it failed to be mentioned in the statement at Ex. MEX. 9 itself. There is no mention in Ex. MEX. 9 that he paid Rs.1000/- to the first party in obtaining the certificate. Therefore, the circumstantial evidence brought on record was not sufficient and legal so as to draw a conclusion that the first party issued the certificate, that too, against the consideration of Rs.1000/- from said Mr. Rathod. Learned Enquiry Officer in my opinion committed gross error in acting upon the so called circumstantial evidence in holding the workman guilty of the charges, conveniently, ignoring the fact that there was no direct, sufficient and legal evidence which should have been the evidence of said Rathod being produced during the course of enquiry. Moreover, as argued for the first party said Rathod also had given a letter dated 27-7-1999 thereby making the portion clear to the effect that he did not receive the certificate from the first party and it is not disputed by the management that such a letter was received by the Indi branch Manager. Unfortunately, this letter does not find part of the enquiry papers. Therefore, in the face of the said letter and the inability of the management to produce the said Rathod during the course of enquiry, it was not very much safe for the enquiry officer to act upon Ex. MEX. 9 and to rush to the conclusion that the first party committed the charges of misconduct leveled against him. In the result, I must hold that findings of the enquiry officer suffered from perversity and therefore, they are liable to be set aside. In the light of the said findings, the punishment order passed against the first party does not survive and is held to be illegal and *void abinitio*. In the result, the natural corollary would be the reinstatement of the first party into the service of the management.

11. Now, coming to the question of back wages, burden was cast upon the management to show that the first party has been gainfully employed when was out of its service so as to deny back wages to the first party but at the same time the first party has not come forward to say that he has not been gainfully employed when was away from the service of the management. In fact, in his Claim Statement he has not uttered a single word that he was without any job or source of income after he was dismissed from service. Therefore, keeping in view the facts and circumstances of the case, nature of the misconduct alleged

and the fact that the first party has not come out that he has not been gainfully employed, it appears to me that ends of justice will be met, if he is reinstated in service without back wages but with continuity of service. Accordingly, reference is answered and following award is passed.

AWARD

The management is directed to reinstate the first party into its services to the post he held at the time of his dismissal with continuity of service and other consequential benefits except the back wages from the date of dismissal till the date of reinstatement. No order to cost.

(Dictated to PA transcribed by her corrected and signed by me on 3rd November 2006)

A. R. SIDDIQUI, Presiding Officer

नई दिल्ली, 23 नवम्बर, 2006

का.आ. 4866.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ पटियाला के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट (संदर्भ संख्या 73/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-11-2006 को प्राप्त हुआ था।

[सं. एल-12012/498/98-आई आर(बी. I.)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 23rd November, 2006

S.O. 4866.—In Pursuance of section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 73/1999) of the Central Government Industrial Tribunal Labour Court, Kanpur now as shown in the Annexure in the Industrial Dispute between the management of State Bank of Patiala and their workman, which was received by the Central Government on 23-11-2006.

[No. L-12012/498/98-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE SHRI SURESH CHANDRA PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, SARVODAYA NAGAR, KANPUR, U.P.

Industrial Dispute No. 73 of 1999

In the matter of dispute between :

Shri Arun Kumar

S/o Sri Ram Village Khanpur Post Sarai Akil District, Allahabad.

AND

State Bank of Patiala

The Asstt. General Manager,

Secretariate Zonal,

Regional Office, Cannaught Place C-31/32,

New Delhi.

AWARD

1. Central Government Industrial tribunal-cum-Labour has been referred the dispute by the appropriate Government i. e. Central Government vide notification No. L-12012/498/98/IR (B-1) dated 26-3-99 the following dispute for adjudication :—

“Whether the action of the management of State Bank of Patiala in terminating the services of Sri Arun w. e. f. 28-2-98 is justified? If not what relief the workman is entitled for?”

2. The case in brief as set up by the workman in his statement of claim is that he was enrolled with the Local Employment Exchange Allahabad and that when it came to his notice that one permanent post of Water Boy is created in the State Bank of Patiala Kudganj Allahabad had made an application for his appointment as waterboy alongwith full biodata to the bank. Thereafter, his name was forwarded by the employment exchange and the selection process was held with the permission of AGM of the Bank. The Petitioner was selected as water boy and he was issued an appointment letter in this regard on 21-1-97.

3. It is the further case of the petitioner that under instruction of the Asstt. Gen. Manager, the selection of the petitioner has been made and information in this was sent by the Branch Manager to AGM of the opposite party bank. On the basis of above the petitioner started working under the opposite party bank and worked with sincerity, honesty and left no room for complaint of his superiors. The petitioner had also performed the work of permanent nature of the post of peon in the branch. It is also the case of the petitioner that while he was working at the branch the branch manager again sought certain names from the employment exchange for recruitment of the Kahar. The petitioner was not working as Kahar. The petitioner has completed 240 days of continuous service with the opposite party bank. Petitioner's appointment has been made against a permanent vacancy therefore there was no need for holding selection of Kahar in place of petitioner. The petitioner was neither issued any termination order nor the opposite party complied the mandatory provisions of the Industrial Disputes Act, 1947, at the time dispensation of the services of the petitioner i. e. neither he was paid any notice, notice pay or retrenchment compensation as provided under section 25F of Industrial Disputes Act, 1947, therefore the termination of the services of the workman amounts to retrenchment as defined under Section 2(oo) of I. D. Act, and is therefore bad in law and is liable to be set aside and the workman be therefore held intitled for his, reinstatement in the services of the bank with full back wages and all consequential benefits.

4. As against it the opposite party bank has contested the claim of the petitioner alleging that the petitioner was engaged as a daily rated part time casual labour by the opposite party for fetching and storing water

which are occasional, intermittent and fluctuating nature of work, according to bank exigencies on the basis of no work no pay and did not hold any regular or permanent post in the bank in any cadre whatsoever. No time was fixed for his arrival and departure in the bank and petitioner was not signing the muster roll meant for regular and permanent employees. The petitioner was never paid any regular wages or facilities as available to permanent employees of the bank. The petitioner was never appointed on regular basis as claimed by him. No appointment letter was ever issued in favour of the petitioner. Petitioner had also never completed 240 days of continuous services under the opposite parties in any capacity whatsoever. His working hours were never fixed by the bank. Petitioner had been paid for 1 or 2 hours on casual basis whenever work of waterboy was taken by him. It has been alleged that the opposite party bank had never terminated the services of the petitioner therefore question for extending the benefits of the provisions of various section enshrined under I.D. Act, 1947, does not arise at all. Petitioner of his own accord had left the part time service w. e.f. 22-11-97 and the opposite party had never terminated his services w.e.f. 28-2-98 as alleged by him. The services conditions applicable to regular and permanent employees of the bank were not at all applicable to the petitioner therefore, the reference order made to this tribunal is bad in law and not maintainable under I.D. Act, 1947.

5. On the basis of above pleadings, it has been prayed by the opposite party bank that the case of the petitioner is misleading, misconceived and is devoid of merit. Therefore, the same be rejected holding that the petitioner is not entitled for any relief as claimed by him.

6. Petitioner has also filed his rejoinder in support of his claim but nothing new has been pleaded by him except reiterating the facts already pleaded by him in his statement of claim.

7. After exchange of pleadings between the parties in the instant case, disputants have also lead oral as well as documentary evidence in support of their respective claims and counter claims.

8. Tribunal heard the arguments of the contesting parties at length and have also perused the records and evidence of the parties carefully.

9. The first and foremost point to be examined in the case as to whether the petitioner had ever been appointed as waterboy as claimed by him which fact has categorically denied by the opposite party. It has been argued by the authorised representative for the workman that since the petitioner was appointed as water boy based on selection there was hardly any need to call for names of the candidates from Local Employment Exchange for filling up the vacancies of Kahar. On the contrary it has been argued by the management's authorised represent that the

petitioner was never appointed permanently as alleged by him rather he was engaged on casual basis in accordance with exigency of work for fetching water and the petitioner was paid on daily basis for the work performed by him. In this connection attention of the tribunal was invited by the authorised representative for the workman towards annexure No. 2 of the claim petition. A bare perusal of annexure 2 would indicate that it is a interse communication between the branch manager Chowk branch Allahabad and Regional Manager New Delhi, which is dated 21-1-97, in which it was disclosed by the branch manager that since extension counter ADC has been converted into full fledged branch therefore it is proposed that Arun Kumar part time Kahar be posted there. Heavy reliance has been placed by the authorised representative on this document and it has been argued that the workman has been appointed by means of this letter. It may be pointed out that annexure No. 2 of the claim petition cannot be treated to be an appointment order. It is mere a communication and in which it has been proposed to post the petitioner as Kahar as extension counter of the opposite party bank had been converted into full fledged branch. Proposal for posting full time Kahar cannot be termed to be an appointment letter, unless the same is accepted and approved by the competent authority of the bank and an official orders is passed appointing the petitioner at the post. Therefore, Annexure-2 to the claim petition is of no help to the petitioner.

10. Further annexure-2 is in the nature of photocopy. It is settled principle of law that photocopies of documents are not admissible as piece of evidence in judicial or quasi judicial proceedings. Petitioner has also filed certain photocopies of documents as a piece of evidence in support of his claim. The same cannot be accepted by the tribunal as they have not been proved by the petitioner through his oral evidence or by way of secondary evidence before the tribunal.

11. Evidence of the workman lead orally on this point has also been viewed seriously by the tribunal. It is strange enough to point out that in his evidence the workman has palpably failed to establish the fact that he was ever appointed by the opposite party bank by issuance of proper appointment order prescribed under service rules. He has simply stated that he performed regular nature of work in the opposite party bank would not be enough to believe his case unless the same is corroborated by documentary evidence. Tribunal is also of the view that when there is no appointment letter in favour of the petitioner issued by the opposite party bank, workman's claim that opposite party had terminated his services cannot be accepted as termination would take place only when written appointment has been issued in favour any employee. Since it is the admitted case of the parties that the petitioner was never issued any appointment order in writing his claim that opposite party bank terminated his services w.e.f. 28-2-98 as given in schedule of reference order cannot be believed.

12. It has also come in the pleadings of the opposite party bank that the petitioner had casually worked with them as casual labour for fetching water upto 22-11-97 and the workman of his own accord left the work and that the workman had not worked upto 28-2-98 with the opposite party bank. This plea of the opposite party bank has not been specifically denied by the petitioner neither in his rejoinder nor he filed any documentary evidence contradictory to the claim of the opposite party. It is to be noted that plea raised by a party if not denied categorically would be presumed to be admitted to the opposite party. From this point of view it is held that the workman worked with the opposite party as casual labour upto 22-11-97 and not upto 28-2-98 as claimed by him in the absence of proof and evidence.

13. Once having held that the workman had not worked with the opposite party upto 28-2-98 on casual basis as waterboy, date appearing in the schedule of reference i.e. 28-2-98 has become redundant and meaning less and it cannot be accepted that the petitioner has ever worked with the bank upto 28-2-98 therefore, workman cannot be granted the status of a regular and permanent employee of the bank and also that it cannot be held that the bank had ever terminated the services of the workman w.e.f. 28-2-98.

14. For the reasons discussed above, it is held that the workman had not been appointed by the opposite party at any point of time in accordance with the rules nor the workman had ever worked with the opposite party 28-2-98, therefore, when workman had failed to establish that he worked with the opposite party upto 28-2-98 question of terminating the services of the workman w.e.f. 28-2-98 as claimed by the workman is highly misconceived and misleading. It is therefore held that the workman cannot be granted any relief and claim of the workman is liable to be dismissed. Accordingly claim of the workman is dismissed and is decided against the workman holding that he is not entitled for any relief whatsoever.

14. Reference is answered accordingly against the workman and in favour of the opposite party bank.

SURESH CHANDRA, Presiding Officer

नई दिल्ली, 23 नवम्बर, 2006

क्र.आ. 4867.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट (संदर्भ संख्या 28/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-11-2006 को प्राप्त हुआ था।

[सं. एल-12012/297/04-आई आर(बी.-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 23rd November, 2006

S.O. 4867.—In Pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (28/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur now as shown in the Annexure in the Industrial Dispute between the employer in relation to the management of State Bank of India and their workman, which was received by the Central Government on 23-11-2006.

[No.L-12012/297/04-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE SHRI SURESH CHANDRA PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, SARVODAYA NAGAR, KANPUR, U.P.

Industrial Dispute No. 28 of 2005

Shri B. P. Mishra

President State Bank of India Karamchhari Sangh C/o Sri Ravi Pratap Narain Singh 119/525 Darahan Purwa Kanpur.

AND

The Dy. General Manager,

State Bank of India,

Karmik Anubhag Kanpur, Main Branch, Kanpur.

AWARD

1. Cental Government, Ministry of Labour, New Delhi vide notification No. L-12012/297/2004-IR(B-I) dated 26-8-05 has referred the following dispute for adjudication to this tribunal :—

“Whether the denial of full pay to Sri Shambhu Dayal Bhartiya by the management of State Bank of India, Kanpur, Region-II is legal and justified ? If so to what relief the workman concerned is entitled to and from what date?”

2. In the instant case after receipt of registered notices from the tribunal and after availing of repeated opportunities for filing of statement of claim, the union raising the dispute has palpably failed to submit their statement of claim in support of their claim on behalf of the concerned workman. Although neither workman attended the proceedings nor his representative except one Sri R. S. Tiwari alleged himself to be the auth. repr. for the workman who filed his authority in the case on 1-9-06 but despite that he too failed to file claim statement. It therefore appears that neither the workman nor the union is interested in prosecuting his claim the resultant effect of the same would be that the tribunal is left with no option but to hold that the union is not entitled for any relief for want of pleading and proof.

3. Reference is answered accordingly against the union.

SURESH CHANDRA, Presiding Officer

नई दिल्ली, 24 नवम्बर, 2006

का.आ. 4868.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार फ्रेग्रेन्स एण्ड फ्लेवर डेवलपमेंट सेन्टर के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 252/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-11-2006 को प्राप्त हुआ था।

[सं. एल-42012/93/1999-आई आर(डी.यू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 24th November, 2006

S.O. 4868.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 252/1999) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure in the Industrial dispute between the employers in relation to the management of Fragrance and Flavour Development Centre and their workman, which was received by the Central Government on 24-11-2006.

[No.L-42012/93/1999-IR (D.U.)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE SRI SURESH CHANDRA PRESIDING
OFFICER: CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL CUM LABOUR COURT SARVODAYA
NAGAR, HOTEL KISHORI BUILDING,
KANPUR, U.P.**

I.D. No. 252/1999

Industrial Dispute between :

Sh. Vishan Swarup,
S/o Sh. Maiku Village Pachchapurva
Tatiapur P.O. Ganjmurabad, U.P.,

AND

Dy. Director,
Fragrance and Flavour Development,
Centre Industrial Estate GT Road,
P.O. Makrand Nagar,
Kannauj-209726.

AWARD

1. The Central Government, Ministry of Labour, New Delhi, vide notification No. L-42012/93/99/IR(DU) dated 25-8-99 has referred the following dispute for adjudication to this tribunal :—

SCHEDULE

“Whether the action of management of Dy. Director Fragrance and Flavour Development Centre, Agra,

in terminating the services of their workman Sh. Vishan Swarup is legal and justified? If not, to what relief the said workman is entitled to?”

2. At the outset it may be pointed out that from a bare perusal of schedule of reference order it is quite obvious that the services of the workman appears to have been terminated by the Dy. Director, Fragrance and Flavour Development Centre, Agra, whereas from the array of party workman has assailed the action of the Dy. Director Fragrance and Development Centre, Kannauj, which are entirely different and separate entity in the eye of law. From this point of view the schedule of reference order when viewed in the light of array of parties, appears to be against such a party i.e. Dy. Director, Fragrance and Development Centre Agra, against whom no allegations have been made by the workman in his entire statement of claim. Therefore, when Dy. Director, Fragrance and Development Centre, Agra has been made a party to the present dispute nor there is any allegations against him from the side of the workman, present reference against Dy. Director, Fragrance and Development Centre, Agra, cannot be answered and on this count the reference order stands vitiated.

3. When the schedule of reference order has been held to be vitiated no relief can be granted to the workman on the basis of vague schedule of reference order. Even nothing has been stated by the workman in his claim statement regarding the party which has been shown in the schedule of reference order, therefore, it would entirely be a futile exercise on the part of the tribunal to consider the merit of the case.

4. Even otherwise from the averments raised by the workman in para 10 of his statement of claim it is quite clear that the workman has alleged that earlier he raised an industrial dispute challenging his termination before the Labour Court under the provisions of U.P. Industrial Disputes Act, 1947, and that he was advised that the dispute before U.P. Labour Court is not maintainable as State Government is not having jurisdiction to entertain the dispute. Ultimately the said dispute before Labour Court U.P. was rejected in default of the workman. If it is so principle of resjudicata would apply in the present case in as much as workman has not challenged the award of U.P. Labour Court in any superior court which in the eye of law would be deemed to have become final between the parties. From this point of view workman is estopped from raising the dispute before this Tribunal.

5. Accordingly on the basis above observations, it is held that the workman cannot be entitled for any relief against a party which has not been shown as a party to the dispute by him and nothing has been alleged against such party in his statement of claim. It is further held that the present reference order is barred by principles of res-judicata

6. For the reasons explained above, reference is answered against the workman and in favour of the opposite party the management of Fragrance and Development Centre Kannauj.

SURESH CHANDRA, Presiding Officer

नई दिल्ली, 24 नवम्बर, 2006

क्र.आ. 4869.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर-संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.- II, नई दिल्ली के पंचाट (संदर्भ संख्या 175 एण्ड 174/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-11-2006 को प्राप्त हुआ था।

[सं. एल-40012/64 एण्ड 59/2003-आई आर(डी.यू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 24th November, 2006

S.O. 4869.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 175 & 174/2003) of the Central Government Industrial Tribunal-cum-Labour Court, No.-II, New Delhi as shown in the Annexure in the Industrial dispute between the employers in relation to the management of Telecom Department and their workman, which was received by the Central Government on 24-11-2006.

[No. L-40012/64 & 59/2003-IR (DU)]

SURENDRA SINGH, Desk Officer
ANNEXURE

**BEFORE THE PRESIDING OFFICER : CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, NEW DELHI**

Presiding Officer: R.N. RAI

L D. No. 175/2003 and 174/2003

In the Matter of :—

Sh. Harbir Singh
S/o. Shri Lal Chand,
Village: Yadupur, Tehsil: Palwal,
Distt: Faridabad (Haryana).

Shri Sukhbir Singh,
S/o. Shri Lal Chand,
Vill: Yadavpur, Tehsil: Palwal,
Distt: Faridabad (Haryana)

Versus

1. The General Manager (Telecom), BSNL, 86-87, Commercial Complex, Sector: 16, Faridabad (Haryana).
2. M/s. Shehrawat Construction Company, C/o. The General Manager, Telecom, BSNL, 86087, Commercial Complex, Sector: 16, Faridabad - 121002.

AWARD

The Ministry of Labour by its letter Nos. L-40012/64/2003-IR (DU) Central Government dt. 29-9-2003 & L-40012/59/2003-IR (DU) Central Government dt. 29-9-2003 has referred the following points for adjudication.

The point runs as hereunder:

“Whether the action of the management of GMTD, BSNL, Faridabad in terminating/disengaging the services of Shri Harbir Singh w.e.f. 18-04-1998 without complying with the provisions of ID Act, 1947 and without regularizing him in service is justified? If not, to what relief the workman is entitled.”

“Whether the action of the management of GMTD, BSNL, Faridabad in terminating/disengaging the services of Shri Sukhbir Singh w.e.f. 13-07-1999 without complying with the provisions of ID Act, 1947 and without regularizing him in service is justified? If not, to what relief the workman is entitled.”

I.D. Nos. 175/2003 & 174/2003 involve common dispute. These are connected cases and they can be adjudicated by common award. There is variance regarding the date of engagement and disengagement. The grounds of both the cases are the same. So these two cases are taken up together.

The workmen applicants have filed claim statement. In their claim statement it has been stated that the workmen were engaged as a casual labourer, for the work of the defendant no. 1 through defendant No. 2 in the Department of Telecommunications w.e.f. 15-11-1994. And had been in continuous service in the department for the last 3 and a half years without any break.

That the workmen were shown as an employee of the contractor but they had no direct relations with him, they were appointed to perform the job of permanent nature, with defendant No. 1. The workman being matriculate with ITI Diploma was employed in the accounts section of the defendant no.1 under the direct supervision of the various accounts officers of the defendant No. 1 and also getting salary from defendant No. 1.

That the workmen worked continuously with defendant No. 1 for 3 and half years without any break, the workmen were assigned work of permanent and continuous nature, which was supervised by the defendant No. 1.

That as per the provisions of the Contract Act, Regulation and Abolition Act, 1970 the clerical work, especially of the accounts department is abolished and prohibited under the aforesaid Act and the appointment of the workman under the Contract Act was therefore nullity and for all purposes and intents, the workman was the employee under the defendant no. 1 in view of the settled propositions of the law, the defendant No. 1 the principal employer of the workman is under statutory obligation to absorb the workman.

That the services of the workmen were terminated with effect from 18-4-1998 and 13-7-1999 illegally and arbitrarily by defendant No. 1 by verbal orders. There is no seniority list of the workers kept by the defendant No. 1 including that of the workman.

That the workmen had completed more than 240 days in each year 1994-1995, 1995-1996, 1996-1997 & 1997-1998 under the defendant No. 1. But they were disengaged arbitrarily and illegally, without giving one month's notice or wages in lieu of the notice and without paying retrenchment compensation.

That the defendant No.2 was not having a license required under the law even otherwise, in view of the perennial nature of the job the workmen are deemed to be the employee of the defendant No. 1 only their services have been terminated without any justification whatsoever by defendant No.1 in utter violation of the mandatory provisions of the ID Act, 1947. No relief is being sought against the defendant No. 2 as for all purposes and intents under the law the workmen were employees of defendant No.1.

In view of the averments made above the workmen pray for the following relief:

The reference be decided in favour of workmen by declaring the termination illegal and the management/defendant No. 1 be directed to reinstate and regularize them into service with full back wages w.e.f. 18-4-1998 & 13-7-1999 and further give continuity of service along with 18% interest in the interest of the justice.

Any other order or direction which this Hon'ble Tribunal may deem fit in the facts and circumstances of the present case.

The management has filed written statement. In the written statement it has been stated that the present claim petition is not competent on the ground of principle of resjudicata as the claimants have already availed the remedy before the Principal Bench of Central Administrative Tribunal at New Delhi by way of filing O.A.No.195/2000 which was finally disposed off vide order dated 9-10-2000 under which the O.A. of the applicants was dismissed and was held that he being engaged through contractor therefore, they have no locus standi to file the application for regularization or otherwise therefore the present claim petition on the same cause of action is bad in law and has to be set aside and accordingly the reference made to this Hon'ble Tribunal has to be answered by returning the reference to the competent authority.

That the claimants were never engaged by the answering management as such there has been no relationship of master and servant between the claimants and the answering management.

That the claimants have not impleaded the respondent No. 2 before the ALC whereas he has been

impleaded in the claim petition, therefore, the reference itself is bad in law and has not to be adjudicated and is liable to be dismissed on this ground alone.

That the answering management had entered into a contract agreement with respondent No. 2 for providing labour on the terms and conditions set out in the contract agreement copy attached and at the rate agreed upon under the agreement as a result of which the claimants may have been engaged by the respondent No. 2 in person to the contract agreement but no appointment letter was issued to the claimants by the answering respondent nor any wages have been directly paid to them. Thus, the claimants are not the workmen qua answering respondent nor they continuously worked with the answering respondent as alleged by the claimants.

That the claim petitions filed by the claimants are hopelessly barred by time. The contract with respondent No. 2 was terminated on 11-7-1996 and the claimants may have been disengaged by the contractor w.e.f. the same date. As such, the cause of action if any would have arisen on 11-7-1996 whereas the present case was initiated with CAT on 3-2-2000 and subsequently this application which is liable to be dismissed on this ground alone.

That the claimants were not engaged as casual labourers. As aforesaid the answering respondent entered into a contract agreement with the respondent No. 2 for providing labour for the contingent work and as per the terms agreed upon by the parties for contract agreement. The answering respondent had never engaged the claimants nor issued any appointment letter nor paid any wages, therefore, had no relationship of master and servant with them, nor any termination was made by the management. The claimants might have been engaged by the contractor to provide the labour to the answering management in person of the contract agreement. Nor the claimants have any locus standi to raise any claim against the answering respondent. The answering respondent is not keeping any service record of the persons supplied by the contractor. Moreover it cannot be said that the claimants had been working continuously with the answering management because the contractor has to supply a number of labourers and in that process he has been sending sometime one person and in his absence another therefore, it was not continuous employment of the claimants nor it can be verified that they worked with the answering respondent continuously and completed more than 240 days as alleged in the present petition. Moreover the claimants have already availed of their remedy before the Principal Bench of the CAT at Delhi and after the dismissal of his OA before the Tribunal they cannot raise the dispute and file the present petition before this Hon'ble Court as the same is barred by principle of resjudicata.

That the claimant themselves admitted that they were engaged by the contractor and were being paid by him. It

is denied that the claimants were not having direct relation with the contractor and was performing the job of permanent nature with respondent No. 1. In fact the claimants may have been engaged by the contractor but they did not work continuously with the answering respondent. It is specifically denied that the claimants were receiving any salary from the answering respondent. The labour provided by the respondent No. 2 was being engaged on the petty job in the department which was not of permanent or continuous nature. Nor, the answering respondent was keeping any record of service of such labourers provided by the contractor. Therefore, the averments made by the claimants in this para are absolutely wrong, un-substantiated and baseless.

That the claimants worked continuously with the respondent No. 1 for more than 3 years. As aforesaid they might have been engaged by the contractor but were not working on the job of permanent and continuous nature nor were being supervised by the respondent No. 1.

That the contract was given to respondent No. 2 for supply of unskilled labour in terms of the contract agreement. The labour so supplied were engaged as per the requirement of the respondent. The applicants were never engaged by the respondent. They were never paid any salary/wages by the answering respondent. It is specifically denied that the applicants had performed duties of perennial nature. Rest of the contents of this para are specifically denied.

That it is incorrect that the services of the claimants were terminated by the answering respondent/defendant w.e.f. 18-4-1998 and 13-7-1999 as alleged. In fact, the contract under which the claimants may have been engaged by the contractor was terminated on 11-7-1996 therefore, their further employment is not understood, therefore, the claimants have not filed the present petition with clean hands and suppressed the material facts from this Hon'ble Court. As aforesaid the answering respondent is not keeping any service record of the labour supplied by the contractor because they are not employees of the department and were working with the contractor under the contract agreement.

That the claimants have not completed 240 days as alleged. The claimants have not continuously worked nor can be verified, as the department was not keeping any record of his service. The claimant may have been disengaged by his contractor and the answering respondent was not obliged to give any notice or wages in lieu of the notice or any retrenchment compensation to the claimant as there was no relationship of master and servant nor the answering respondent were making payment of any wages to them. Thus, the present claim petition is not competent and is liable to be dismissed.

That the claimants cannot be treated to be an employee of the defendant No. 1 nor their services were

terminated by the answering respondent nor the answering respondent had violated the provisions of the ID Act, 1947 as the same are not attracted in the case of the claimants. As regards keeping of record it is submitted that as per the agreement the concerned SDE were required to maintain because of the work performed by the individual labour and number of labourers actually present on each day as per the agreement. It is, therefore, denied that any attendance register was maintained record was checked as per the agreement to settle the claims of the contractors. The answering respondent had no direct involvement in engagement of the individual nor the answering respondent were directly involved for supervision or administrative control of such persons supplied by the contractor and was not obliged to issue individual appointment or termination order for such persons employed by the contractor. Since the claimants were not engaged by the answering respondent therefore, there was no privity of contract or relationship of master and servant between the applicants and the answering respondent. Moreover the claimants at no point of time were engaged as casual labours by the answering respondent, as such, the question of completion of 240 days in a year with respondent No. 1 is absolutely wrong and misconceived.

In view of the position explained above it is, therefore, respectfully prayed that the reference in the case of the claimants be dismissed being devoid of merits and also is liable to be dismissed on the legal grounds stated in the preliminary objections.

The workmen applicants have filed rejoinder. In their rejoinder they have reiterated the averments of their claim statement and have denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard arguments from both the sides and perused the papers on the record.

It was submitted from the side of the workmen that they have been shown as employee of the contractor but in reality Defendant No. 1 appointed them. They performed the job of permanent nature. Their appointment under contractor was a nullity. The work is of regular and perennial nature. The services of the workmen were terminated illegally, arbitrarily from 18-4-1998 and 13-7-1999. The workmen Shri Harbir Singh worked as Accounts Clerk and Shri Sukhbir Singh worked as Peon. It was also argued that they have performed more than 240 days during their engagement. Contract Labour cannot be taken for regular and perennial nature of work.

It was submitted from the side of the management that the workmen were engaged through contractors. There is no employer-employee relationship. They have no locus standi to file this case for regularization.

It was submitted that these workmen have filed OA No.195/2000 and their case was rejected by order dated 09-10-2000.

I have perused the order passed in OA. The CAT has found their case not fit for regularization.

It was further submitted that the case has been filed after a lapse of 7 years. The workmen have concealed the material facts. They have not disclosed filing of petition in CAT and order of the CAT. It was further submitted that there is suppression of truth by the workmen.

The workman Shri Harbir Singh has stated in his cross examination that he did not know as to why M/s. Shehrawat Construction Co. has been impleaded as Defendant No.2 in the claim petition. His brother Sukhbir Singh was already working as casual labour and he informed him that there is some vacancy in BSNL, Faridabad. He met Accounts Officer and he was engaged as casual labour. The case of the workmen is that they were engaged by respondent. Their claim case is that they worked through several contractors.

The workman Shri Sukhbir Singh has also stated in his cross examination that he has no knowledge as to why M/s. Shehrawat Construction Co. has been made Defendant No.2. The fact is that both the workmen worked through several contractors and they have taken the case of contract in OA filed by them and even in claim statement filed here. In evidence they have taken the case that they were directly employed by the respondent. They have taken two contradictory pleas in two forums. They have concealed the material truth.

It was submitted from the side of the management that the workmen were employees of the contractor and they were not engaged by Respondent. They worked under the control and supervision of the contractor. They have worked only for a short period. The work is not of sufficient duration.

The workmen have taken the case of their engagement as daily wage. They have worked for 2 or 3 years under different contractors. The workmen have failed to establish that the work is of continuous and regular nature and some other persons have been engaged for the same work.

The workmen have not proved that they worked under the control and supervision of the management. They have not taken a definite case. In claim statement they have admitted that they were employed through Defendant No.2 but in evidence have stated that they were directly engaged by the management. Their case has been rejected by the CAT. The workmen have failed to prove their claim statement.

There can be no order of regularization in view of the Constitution Bench Judgment 2006 (4) Scale. The workmen have not worked even for sufficient duration and they have

not established that they have worked under the control and supervision of the management. There is no question of their regularization.

The reference is replied thus :—

The action of the management of GMTD, BSNL, Faridabad in terminating/disengaging the services of Shri Harbir Singh w.e.f. 18-04-1998 and the services of Shri Sukhbir Singh w.e.f. 13-07-1999 is justified. The workmen applicants are not entitled to get any relief as prayed for.

Award is given accordingly.

Date: 21-10-2006.

R.N. RAI, Presiding Officer

नई दिल्ली, 24 नवम्बर, 2006

का.आ 4870.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूरदर्शन के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-II, नई दिल्ली के पंचाट (संदर्भ संख्या 55 एवं 54/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-11-2006 को प्राप्त हुआ था।

[सं. एल-42012/38 एण्ड 36/2000-आई आर(डी.यू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 24th November, 2006

S.O. 4870.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.55 & 54/2000) of the Central Government Industrial Tribunal-cum-Labour Court, No. II New Delhi as shown in the Annexure in the Industrial dispute between the employers in relation to the management of Doordarshan and their workman, which was received by the Central Government on 24-11-2006.

[No. L-42012/38 & 36/2000-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE THE PRESIDING OFFICER : CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL CUM
LABOUR COURT-II, NEW DELHI**

Presiding Officer : R.N. RAI

I.D. No. 55/2000, 54/2000

In the matter of :

Shri Ansar Khan,
S/o Shri Sardar Khan,
R/o. D-20/10, Okhla Vihar,
Jamia Nagar,
New Delhi - 110025.

Shri Girish Kumar,
S/o Shri Ram Sarup Sharma,
R/o. H.No.F-47/2, West Vinod Nagar,
New Delhi - 110 092.

Versus

1. The Director General, Doordarshan,
Mandi House, New Delhi - 110 001.
2. The Executive Engineer (E),
Civil Construction Wing, AIR,
Soochna Bhawan, CGO Complex,
Lodi Road,
New Delhi -110 003.

AWARD

The Ministry of Labour by its letter Nos. L-42012/38/2000/IR (DU) Central Government Dt. 30-05-2000 & L-42012/36/2000/IR(DU) Central Government Dt. 30-05-2000 has referred the following points for adjudication.

The points run as hereunder:—

“Whether the job of AC Electrician/Helper in the Establishment of Doordarshan is of a perennial nature and if Shri Ansar Khan engaged through different contractors from 1998 to 1999 is entitled for regularization in service of Doordarshan? If so, to what relief the workman is entitled?”

“Whether the job of AC Electrician/Helper in the Establishment of Doordarshan is of a perennial nature and if Shri Girish Kumar engaged through different contractors from 1998 to 1999 is entitled for regularization in service of Doordarshan? If so, to what relief the workman is entitled?”

I.D. Nos. 55/2000 and 54/2000 involve common dispute. These are connected cases and they can be adjudicated by common award. It has been mentioned on 31-08-2006 that evidence of one case will be common for both the cases.

The workmen/applicants have filed claim statements. In their claim statements it has been stated that they were employed with the Directorate General, Doordarshan, Mandi House, New Delhi as AC Electrician in AC Plant in Civil Construction Wing in the Establishment of respondents. The workmen/petitioners were assigned the duty with the respondent No.2 and they were doing their duties under the direct guidance and supervision of respondent No.2 since 1989 and thus respondents are the principal employer of the workmen. Though the workmen/petitioners were employed through Contractors.

That initially Mr. Vijay Sharma, the Proprietor of Vijay Engineering Co. was the contractor from the year, 1989 to 1993 and the said contractor made the employment of the workmen with the respondents. And thereafter, Shri H.S. Mehta, Proprietor of M/s. Cool Care Centre took over the said contract w.e.f. 1993 to 1995. And thereafter, the Mr. Kuldeep Sharma, Proprietor of Kuldeep Refrigerator become the contractor since 1995 to 1998 and workmen were also working through him in the establishment of the respondents and thereafter, Shri D.K. Sharma, Proprietor

of M/s. Ventek Engineering become the contractor and the workmen were working with the respondents through him till the time of illegal termination of their services by the respondents as AC Operator in Civil Wing in the establishment of the respondents.

That the workmen were regular employee since 1989 & 1995 till illegal termination and there was no complaint regarding the work of the workmen in the department. That the workmen were working regularly and the nature of the work was not seasonal but a continued effort to achieve purpose of its existence i.e. throughout the year and the workmen did the work with this department more than 240 days in a year and under the guidance, control and supervision of the respondent No.2 and hence workmen were the direct employees of respondent as per the judgment of Hon'ble Supreme Court of India in 1999 (3) Supreme 277 titled as Secretary, Haryana State Electricity Board Vs. Suresh and others etc vide Civil Appeal No. 11335-11359 with Civil Appeals Nos. 10863/96, 10541/96 and petition Nos. 403-427/98 in CA No.11335-11359/95, decided on 30-03-1999.

That the legislature has also enacted an Act i.e. the Contract Labour (Regulation and Abolition) Act, 1970 with the object to abolish the contract labour and to regulate the work condition of contract labour wherever such employment is required in the interest of Industry.

That the respondent being the principal employer of the workmen was liable to regularize the services of the workmen with all the facilities provided under law for regular workmen. The workmen were entitled to be regularized and to all the facilities available to a workman under the law. But the respondents did not regularize the services of the workmen and did not provide them facilities which are to be provided to a workman under the law.

That the workmen sent a demand notice for regularization of their services which was duly received by the respondents but instead of compliance of the said notice, respondents illegally terminated the services of the workmen on 01-06-1999 without any reason cause and prior notice.

That the termination of the services of the workmen is illegal, unjustified and against the principles of natural justice and provisions of the Industrial Dispute Act, 1947.

That due to the illegal termination of the workmen, they are unemployed and are entitled for the wages of unemployment period because this unemployment is forced by the management upon the workmen. The workmen are entitled to be reinstated in service with full back wages and continuity of service as regular employees of respondents.

That the workmen got demand notice served upon (1) Directorate General, Doordarshan., Mandi- House, New Delhi (2) the Executive Engineer (E), Civil Construction Wing, AIR, Soochna Bhawan, CGO Complex, Lodi Road.

New Delhi through its counsel Shri Manohar Lal, Advocate which was duly served upon the management. But till the date the services of the workmen have not been reinstated and the workmen are unemployed since the termination of services i.e. 1-6-1999 and DD of DG gave no reply to the notice of the workmen.

That the workmen/petitioners raised an industrial dispute before the Conciliation Officer, Government of India, but the same has failed and the ultimately the reference has been made to this Hon'ble Court for proper adjudication of the matter.

It is therefore, most respectfully prayed that this Hon'ble Court may kindly be pleased to direct the respondent/management that the workmen/petitioners be reinstated with full back wages and continuity of service as regular employees.

The respondent/management has filed written statement. In the written statement it has been stated that the workmen herein have no cause of action against the answering respondents as the workmen was never appointed by the respondents. It is respectfully submitted that the operation of A/C Plant at DDB, Mandi House is being carried out by the CCW on the basis of yearly funds allotted by the Doordarshan authorities. The operation is being carried out on job work basis/contract basis. The workmen were employed by the contractor/agency to carry out the job. As per the agreement of work, the agency contractor is responsible for operation and smooth running of the A/C Plant. It is further submitted that the respondents have never issued any appointment letter to the workmen. The respondents as a matter of fact, pass all instructions to the contractor/agency. Hence the workmen have no cause of action against the respondents and therefore, the claim of the workmen is liable to be dismissed on this ground alone.

That the workmen have no *locus standi* to file the present claims. It is respectfully submitted that as mentioned in the foregoing para, the operation of the A/C Plant is carried out on job work basis/contract basis. As per the agreement of work, the agency is responsible for smooth operation of the A/C Plant. The workman was engaged by the contractor/agency to carry out the job and not by the respondents. Therefore, the workmen have no *locus standi* to file any claims against the answering respondents, least to say the present claims and therefore, the claim of the workmen is liable to be dismissed by this Hon'ble Tribunal on this ground alone.

That there was no employer-employee relationship between the respondents and the workmen. It is submitted that the operation of A/C Plant is carried on job work basis/contract basis. The respondents pass all instructions to the contractor/agency so far as the operation of A/C is concerned. The workmen were employed by the agency and the workmen were working under the direct supervision

and control of the agency/contractor. Hence, there is no employer-employee relationship between the respondents and the workmen and as such the claim of the workmen is liable to be rejected by this Hon'ble Tribunal on this ground alone.

That the contents of para 1 of the claims are false, frivolous, misconceived, wrong and denied. It is categorically denied that the workmen herein was employed with the Director General, Doordarshan, Mandi House, New Delhi as A/C Electrician in A/C Plant in Civil Construction Wing as has been falsely alleged. It is vehemently denied that the workmen were assigned the duty with the respondent No. 2 and were doing their duty under the direct guidance and supervision of the respondent No. 2 since 1989 and 1995 and thus, respondent are the principal employer of the workmen though the workmen were employed through contractor. It is respectfully submitted that the workmen were never appointed by the respondents and no appointment letter of the workmen were ever issued by the respondents in favour of the workmen herein. It is respectfully submitted that the contents of para 1 to 3 of the preliminary objections above may be read as part and parcel of the reply to the corresponding para of the claim which is not repeated here for the sake of brevity.

It is submitted that the answering respondents are no way concerned with the employment/termination of services of the workmen by the contractors.

It is categorically denied that the workmen were regular employee of the respondents since 1989 till illegal termination as has been falsely alleged. Rest of the para is denied as wrong. It is submitted that no appointment letter was ever issued by the answering respondents in favour of the workmen and hence, the question of termination does not arise least to say the illegal termination. It is further submitted that the respondents got the work done through the contractor/agency and passed all instructions to the contractor/agency only. Therefore all the allegations of the workmen in the corresponding para under reply are false, frivolous, misconceived, wrong and denied.

That the contents of para 4 of the claim are false, frivolous, misconceived, wrong and denied. It is categorically denied that the workmen were regularly working since 1989 and the nature of work was not seasonal but a continued effort to achieve purpose of its existence i.e. throughout the year and the workman did the work with the department more than 240 days in a year under the guidance, control and supervision of the respondent No. 2. It is further categorically denied that the workmen were ever direct employee of the respondents as has been falsely alleged. It is further denied that the judgment as cited in the corresponding para of this claim is applicable in the present case. It is respectfully submitted that the operation of the A/C Plant is being carried out on job work/contract basis as per the yearly funds allotted by the DD

authorities. As per the agreement of work, the contractor/agency is responsible for smooth operation of the A/C Plant. Therefore, the claim of the workmen that the workmen were working regularly with the respondent is false, frivolous, without any basis and therefore, strongly denied. It is further submitted that the workmen never worked under the supervision, guidance and control of the respondent. The respondents reserve their rights to file various judgments before this Hon'ble Tribunal at appropriate stage to justify their stand.

That it is strongly denied that the respondent, being the principal employer liable to regularize the services of workmen with all the facilities provided under law for regular workman. It is categorically denied that the workmen are entitled to be regularized and to all the facilities available to workmen under the law. Rest of the para is denied as false and misconceived. It is respectfully submitted that the contents of the foregoing paras of the reply may be read as part and parcel of the reply to the contents of corresponding para of claim and the same are being not repeated here for sake of brevity. However, it is respectfully submitted that the respondent has never issued any appointment letter and there is no such sanctioned post against which the workmen are seeking regularization of services. The claim of the workmen is therefore without any substance/basis and to put unjustified pressure on the respondents for unlawful gains.

- That it is respectfully submitted that no letter of appointment and/or termination was ever issued by the respondent in favour of the workmen. Therefore, the claim of the workmen that their services were terminated illegally on 1-6-1999 without any reason, cause and prior notice is mischievous self, concocted, without any basis, false and therefore vehemently denied.

That it is categorically denied that the termination of services of the workmen is illegal, unjustified and against the principles of natural justice and provisions of ID Act, 1947. It is respectfully submitted that the respondents have never issued any appointment letter/termination letter in favour of the workmen herein. Therefore, the question of illegal, unjustified termination etc. as alleged does not arise.

That it is categorically denied that due to the illegal termination of the workmen as has been falsely alleged the workmen are unemployed and are entitled for the wages of unemployment period.

It is further denied that the alleged unemployment is forced by the management upon the workmen. It is categorically denied that the workmen are entitled to be reinstated in service with full back wages and continuity of service as regular employees of respondents. In reply to this para it is submitted that the contents of above mentioned paras of this reply including the submissions made in the preliminary objections may be read as part and parcel of this reply to para 9 of the claim and the same are

being not repeated here for the sake of brevity. The respondents reserve the rights to point out the same as and when so required.

In reply to this para it is submitted that the workmen were never in the employment of the respondents and no letter of appointment was ever issued and as such, no termination letter was ever issued to the workmen. Therefore, the allegation of the workmen that till date the services of the workmen are unemployed since the termination of services i.e. 1-6-1999 and the Director General, DD gave no reply to the notice of the workmen is out of place, misconceived and unreasonable, wrong and therefore, denied.

That it is, therefore, most respectfully prayed that this Hon'ble Tribunal may be pleased to dismiss/reject the claim of the workman with exemplary costs.

The workmen applicants have filed rejoinder. In their rejoinder they have reiterated the averments of their claim statement and have denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

The case was posted for argument on 19-10-2006. Adjournment was sought by the workmen. It was again posted for 31-10-2006. None was present on 31-10-2006 to advance argument. The management turned up subsequently. The management was heard and the case was reserved for award. The workmen have not turned up till date. The case of the workmen is that they have been employed by several contractors from 1995 to 1999. Reference is regarding their engagement from 1998 to 1999. This reference has not been amended. The workmen have worked for short period from 1998 to 1999 under different contractors. The workmen have filed this case for regularization as the work is of perennial nature.

The case of the management is that there is no employer and employee relationship between the management and the workmen. The operation of AC Plant at DDB Mandi House is being carried out by the CCW on the basis of yearly funds allotted by Doordarshan authorities. The operation is being carried on work basis/contract basis. The workmen may have been employed by contracting agency. The operation of A/C Plant is different from the work of the establishment. The workmen have been engaged by the contractors. They worked under the control and supervision of the contractors. Payment to them has always been made by the contractors. The workmen were not regular employees of the management. They have not been recruited as per Recruitment Rules. They have been appointed by the contractor for short duration. The workmen did not work under the guidance, control and supervision of Respondent No.2. The A/C Plant is run on consolidated money provided by the Doordarshan authorities. There is no regular post against which the

workmen can be regularized. The money provided for maintenance of A/C Plant is not sufficient to engage regular workmen.

I have perused the record. The workmen have admitted that they have worked with the contractors and the contractors have assigned job to them. Salaries have also been paid to them by the contractors. The workman Shri Girish Kumar has also admitted in his cross examination that he worked with the contractor. His wages were paid by the contractor. He has worked with 2-3 contractors.

These workmen in their cross examination have admitted that the contractors engaged them. They worked under the control and supervision of the contractors and payment to them was made by the contractors. So it cannot be said that the contract is camouflage or a ruse. Contractors are the masters in the case of these workmen. They have worked under the control and supervision of the contractors.

The management is not at all concerned with the performance of duty of these two workmen. The workmen are not integrated to the premises of the respondents. It is settled law that the workmen should, in such cases establish that they performed duties under the control and supervision of the Principal Employer. They have categorically admitted that they were engaged by the contractors and they worked with the contractors. Management did not play any role in their work.

A/C Plant is maintained by consolidated money provided by Doordarshan authorities. No regular employee can be taken on the limited money sanctioned by the Doordarshan authorities for maintenance of A/C Plant. Such work is not a work of perennial nature. A/C Plant is not integrated with the premises of the respondents. In view of the Constitution Bench Judgment 2006 (4) Scale there can be no regularization in case appointment is not done through regular procedure and Recruitment Rules. These workmen have not worked for the management so they are not entitled for regularization.

The reference is replied thus.

The job of AC Electrician/Helper in the Establishment of Doordarshan is not of a perennial nature and Shri Ansar Khan and Shri Girish Kumar engaged through different contractors from 1998 to 1999 are not entitled for regularization in service of Doordarshan. The workmen applicants are not entitled to get any relief as prayed for.

Award is given accordingly.

Date: 21-10-2006. R.N. RAI, Presiding Officer

नई दिल्ली, 24 नवम्बर, 2006

क्र.अ. 4871.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आल इंडिया इन्स्टिट्यूट ऑफ फिजिकल मेडिकल एण्ड रीहैबिलिटेशन के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट

औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-II, मुम्बई के पंचाट (संदर्भ संख्या सीजीआईटी-2/22 ऑफ 2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-11-2006 को प्राप्त हुआ था।

[सं. एल-42012/182/1999-आई आर(डी.यू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 24th November, 2006

S.O. 4871.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT-2/22 of 2000) of the Central Government Industrial Tribunal-cum-Labour Court, No. II Mumbai as shown in the Annexure in the Industrial dispute between the management of All India Instt. of Physical Medical & Rehabilitation and their workman, which was received by the Central Government on 24-11-2006.

[No. L-42012/182/1999-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II, MUMBAI

Presiding Officer : A.A. I AD

Reference No. CGIT-2/22 of 2000

Employers in relation to the Management of

All India Institute of Physical Medicines & Rehabilitation

Director, All India Institute of Physical

Medicine & Rehabilitation,

Haji Ali Park, K. Khadye Marg,

Mahalaxmi, Mumbai 400 034.

and

Their Workmen

Shri Mohan P. Gore,

CGS Colony, Sector No.6, Bldg. No. 202,

Room No. 2429, Antop Hill,

Mumbai 400 037

APPEARANCE

For the Employer : Mr. N. J. Gonsalves, Advocate

For the Workmen : Mr. M. B. Anchan, Advocate

Date of reserving Award: 27th July, 2006.

Date of passing of Award: 11th October, 2006.

AWARD Part-I

The matrix of the facts as culled out from the proceedings are as under:—

1. The Government of India, Ministry of Labour by its Order No.L-42012/182/99/IR(DU) dated 27th January, 2000 in exercise of the powers conferred by clause (d) of

sub-section(1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication:

"Whether the action of the Management of All India Institute of Physical Medicine and Rehabilitation, Mumbai by terminating the services of the workman Mr. Mohan P. Gore w.e.f. 29-11-97 is legal and justified? If not, to what relief the workman is entitled?

2. To support the subject matter referred in the reference 2nd Party, filed Statement of Claim at Exhibit 7 stating and contending that, he worked with 1st Party for 5 years from 1994 to 1998. He was appointed as a semi-skilled worker. Though there was a clear vacancy he was appointed on ad hoc basis during the above period and on 29 occasions break was given to his employment. No reason is given as to why he was not permitted to continue to work. Action taken by the Management in not allowing the workman to work with it is not just and proper and is against the provisions of the Industrial Disputes Act, 1947. Even he was not considered and even termination effected is not according to law as well as offered following due procedure as required. So it is submitted that, 1st Party be directed to reinstate him with benefit of back wages.

3. His said prayer is disputed by the 1st Party by filing Written Statement at Exhibit 22 stating and contending that, 1st Party is not an 'industry' and as such this Tribunal has no jurisdiction to entertain the grievances of the 2nd Party Workman. 1st Party First is an institute where medicines and rehabilitation work for physically handicapped persons is conducted with the help of aid from the Central Government of India, through the Ministry of Health and Family Welfare. It is not a profit making institute. The activities of the 1st Party by any stretch of imagination cannot be treated as an 'industry' as expected under Section 2(j) of the Industrial Disputes Act. Workman was appointed on ad hoc basis on consolidated salary of Rs.775 per month. He was terminated as no continuation was given to his employment. Since his appointment was on ad hoc basis question does not arise to continue him and reinstate him as prayed by him. The vacancy is filled in by the Screening Committee which submits its report and till that date such a post cannot be filled in since filling in of post is not with the 1st Party. It is stated that 2nd Party cannot claim any relief against 1st Party since it has no power to appoint such an employee. So it is submitted that the reference be rejected.

3. In view of the above pleadings my Ld. Predecessor framed Issues at Exhibit 27. During that period Exhibit 36 was filed by the 1st Party requesting to treat Issue No.1 as a preliminary Issue. Notice was given to the 2nd Party to give his say on it. As no reply was given by the 2nd Party to Exhibit 36 in time though it was given by passing order on Exhibit 36 by filing it at Exhibit 37. Issue NO.1 on the point of jurisdiction is taken first to decide as a preliminary issue which is answered as follows:

Issue	Finding
1. Whether the management Institute proves that it is not an industry under Section 2(j) of the Industrial Disputes Act and therefore the Tribunal has no jurisdiction?	No

Reasons:

4. 2nd Party made out the case that, he served with 1st Party for 5 years from 1994 to 1998. During that period 29 times break was given. It reveals that, there was a clear vacancy with the 1st Party but it was purposely not filled in. Besides decision taken by the 1st Party in not continuing 1st Party is not just and proper. It is prayed that, he be reinstated with benefits of back wages and continuation of services. This is objected by 'first party stating that, it is not an 'industry'. When it is not an 'industry' as required under Section 2(j) of the Industrial Disputes Act, 1947 this Tribunal has no jurisdiction. This Institute provides medical facilities to the handicapped persons with the help of the Central Government aid. It is not profit making Institute, since it is not an industry this Tribunal has no jurisdiction.

5 As stated above issue of 'industry' is taken first as a preliminary issue which is framed at Serial No. 1 of Exhibit 27. On that point, both have decided not to lead evidence and filed purshis to that effect at Exhibit 38. Then both submitted written submissions on the point of industry i.e. by 1st Party at Exhibit 39 and 2nd Party by Exhibit 40, where both have stated that contentions of the other side be rejected.

6. In this situation we have to see whether 1st Party is an 'industry'. For that, if we peruse the copy of the decision of this Tribunal given by my Ld. Predecessor in reference No. CGIT2/58 of 1998 in case of Aliyavar Jung National Institute for Hearing Handicapped, Mumbai and Their workmen, where my Ld. Predecessor observed that the said Institute is not an industry and as such this Tribunal has no jurisdiction over the subject matter of the reference. The facts of that case are that; it was a Society registered under "Societies Registration Act, 1960", and was dealing with the man power, development, research education and rehabilitation of the hearing handicapped. It also runs postgraduate courses of Science education of the Bombay University. In that case Assistant Labour Commissioner submitted failure report without hearing the management so it was observed that such was not an industry. Here before us is the case of the Institute which is not registered under the Societies Registration Act, 1960 as happened in the above referred case. Besides it is an Institute. It is stated by 2nd Party that, it runs number of courses and taking fees from the candidates as mentioned in "Annual Report" Submitted by the 1st Party with its

written arguments. Even in the booklet at page 7, 9 Institutes are shown run by the 1st Party which are of different levels, graduation level as well as post-graduation level. It is alleged that fees are collected from the students and courses or education is given systematically with the help of number of staff members. Rules and regulations are there regarding appointments, taking action, regularization of employees. Besides, there are Carpentry Department, Smith Department, Metal Department, Buffing Department, Leather Department and Rehabilitation Department. So if we read all those things, we find this Institute is not doing only attending work of rehabilitation as tried to project by 1st Party but it runs number of other faculties as well as having number of Departments as mentioned above. Besides, it runs systematically. There are rules and regulations and it is matter of record that these things are not denied by 1st Party. When 1st Party is doing its activities are done in systematical manner, and controlled by some Rules and Regulations, in my considered view it fulfills requirements of Section 2(j) of Industrial Disputes Act, 1947 to call it as an 'industry'. For the benefit of all I am reproducing the definition of "Industry" as given in Section 2(j) of the Industrial Disputes Act, 1947:

"Section 2(j): 'Industry' means any business, trade, undertaking, manufacture or calling of employer and includes any calling, service, employment, handicraft, or industrial occupation or avocation of workman;"

Here number of employees are working with 1st Party. It has number of departments also. Number of sections are there which are controlled by the management by framing rules and regulations. So I feel and conclude all these activities of the 1st Party invite 1st Party under the definition of the industry. So I treat 1st Party as an industry and answer the issue to that effect. Hence, the order:

ORDER

- (a) I observe 1st Party is an Industry,
(b) Parties to take note of it and appear for leading further evidence on remaining Issues on 27th November, 2006.

Mumbai, 11th October, 2006.

A.A. LAD, Presiding Officer

नई दिल्ली, 24 नवम्बर, 2006

का.आ 4872.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मिलिट्री फॉर्म के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-11, चण्डीगढ़ के पंचाट (संदर्भ संख्या 921/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-11-2006 को प्राप्त हुआ था।

[सं. एल-14012/41/94-आई आर(डी.यू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 24th November, 2006

S.O. 4872.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 921/2005) of the Central Government Industrial Tribunal-cum-Labour-Court, No. II, Chandigarh as shown in the Annexure in the Industrial Dispute between the Employers in relation to the management of Military Farm and their workman which was received by the Central Government on 24-11-2006.

[No. L-14012/41/94-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR-COURT-II CHANDIGARH

Presiding Office : Shri KULDIP SINGH

Case No. I.D. No 921/2005

Registered on 13-9-2005

Date of Decision 19-10-2006.

Shri Manohar Lal S/o Shri Giridhar
C/o. Shri Nasib Chand-120, Green Park
Jalandhar C (Punjab)

... Petitioner

Versus

Officer Incharge, Military Farm.
Jalandhar Cantt. (Punjab)

... Respondent

APPEARANCE

For the Workman : Shri M.M. Putney, Advocate

For the Management : Mr. Arun Walia, Advocate.

AWARD

Vide their notification No. L-14012/41/94 dated 26th Feb., 1996 the Central Govt. referred the following matter for the consideration of this Tribunal :

"whether the action of the Management of Military Farm, Jalandhar in terminating the services of Shri Manohar Lal is legal and justified? If not, to what relief the concerned workman is entitled to and from what date?"

On the notice issued the parties appeared through their Counsel. The workman filed his Claim Petition to which the Management filed the reply. The workman filed his affidavit whereas the Management filed the affidavit of Messrs. Y.S. Jackeray and Major S. Kashyap as their witnesses. The workman also filed an application for interim relief to which the management filed the reply. The workman as well as Mr. Y.S. Jackeray appeared in the witness box as witnesses for the respective parties. The parties have also placed on record the photo copies of a number of documents marked as W1 to W6, W6/1 to W6/4 and Exhibit M2 and Exhibits W1 to W7.

The claim of the workman is that he was engaged as a Safaiwala by the Management on 1st October, 1985 and he continuously served them upto 1st April, 1992 when abruptly his services were terminated by the Management; that the workman along with co-workers was involved in a false and criminal case, but he was acquitted by the Court of additional session judge Jalandhar on 4th May, 1993. That the Management had terminated the services of the workman on the basis of his involvement in a criminal case, but without issuing him any show-cause notice and holding of any inquiry; that the workman made the representations to the Management, on a number of occasions, but the Management, for reasons best known to them did not take any action. They reinstated the other three workmen who were also involved along with the workman and the criminal case is still pending against them but they terminated the services of the workman; that on a demand notice, the Management did not conciliate the matter therefore, it has resulted into the present reference. According to him the termination of services of the workman is bad in law, arbitrary and discriminatory in nature. He has prayed for setting aside the same and granting him the relief of reinstatement in service, back wages and all other service benefits.

The Management has opposed the claim of the workman saying that they are not an Industry nor a workman is a workman, as they are engaged in the supply of milk and milk products to the armed forces. Their functions cannot be compared with the functions of an Industry; that the claim of the workman is required to be rejected for laches since he has taken more than 6 years to file the same; that the claim is bad for non-joinder of necessary parties.

On merits, they admitted that the workman had served them on daily wages, but his work was not upto the mark. He was responsible for creating ill will and unrest atmosphere among the workers including. He was also involved in criminal cases attempt to murder. His services were terminated on 1st April, 1992 as per para 13 of the Model Standing Orders. Admitting the contents of para No. 1, 3, 9, it is stated by them that the workman was purely a daily wager, who was not sponsored by Employment Exchange and who was engaged as and when required basis, therefore, he did not have any vested right to hold the post from which he was terminated. Denying that there was violation of Section 25-F of the Act, referred as "Act" it is stated by the Management that the case of the workman could not be compared with other employees as the behaviour of every individual is different. They denied other contents of the Claim Petition and prayed that the claim of the workman be rejected.

When it came to the statement of witness of the Management, their witness Y.S. Jackeray, by his statement proved the affidavit filed by him and the documents placed on record exhibited as M2. When cross-examined he admitted that since the workman was involved in a murder case therefore, his services were terminated on 1st April,

1992. He further admitted that along with the workman, other workers were involved in the case who were also suspended, but admitted that those persons were reinstated later on. He admitted that no notice was given to the workman nor any inquiry was held against him before terminating his services as no inquiry was necessary. According to him the other persons were permanent employee of the Management.

The combined reading of pleadings of the parties and the evidence produced by them clearly show that the workman had served the Management from 1st October, 1985 to 1st April, 1992 and there has come nothing on record to show that his services, were not continuous or there was any break or that he had not served the Management continuously for 240 days in 12 months preceding the date of termination of his services. It is also not denied by the management that the workman was acquitted by the Court of Additional Session Judge Jalandhar after the criminal trial; and that the services of the workman were terminated, as per their witness, for his having been involved in attempt to murder case. As stated earlier the accused was acquitted of the said charge.

The Management has also admitted that along with the workman other co-workers were also involved in the said case, for which he was suspended, but later on they were reinstated. The only explanation given by the management for adopting a different yard stick for the other persons is that they were permanent employees whereas the workman was a daily wager without placing any evidence on record to show that the other workers were permanent employees. In my opinion as the constitutional scheme is there is protection to both temporary and permanent employees under the same provisions of Indian Constitution i.e. article 311 and in this case the workman was not governed by service rules, therefore he is entitled for protection under the Act, most specifically, under Section 25-F of the Act. The Management admitted that neither any notice was issued nor any inquiry was held against him. They have stated nothing nor they have produced any evidence to show that before termination the service of the workman, notice of termination or wages in lieu of notice period and the retrenchment compensation was paid to the workman. The Management has only stated that since the workman was a daily wager, therefore, it was not required. In my opinion this answer of the Management is not correct. Hon'ble Supreme Court in a number of cases including the one decided by them and is reported as Rattan Singh V/s. Union of India (1997) 11 Supreme Court cases held that the provisions of Section 25 of the Act are applicable to the termination of services even of a daily wager workman who has continuously served the Management for a minimum statutory period in a year. It has been noted above that there is no dispute raised by the Management that the workman had not served them from 1st October, 1985 to 1st April, 1992 continuously.

After going through the record of the case I find that the workman has been successful to show that the

management has committed the violation of provisions of the Act while terminating the services of the workman since they did not issue him any notice nor paid him the wages for the notice period. They also did not pay him the retrenchment compensation.

The Management has also failed to show as to why they discriminated the workman with that of co-workers who were also involved in the same case a basis on which the services of the workman are claimed to have been terminated. No authority has the power to discriminate between the similarly placed the persons and the protection to that extent is granted by Constitution of India. In this regard reference can be made to the decided cases of Hon'ble Supreme Court and High Courts such as Sengara Singh and Others V/s State of Punjab and Others 1983(3) SLR 685 Tata Engineer and Locomoto Company V/s Jatindra P.D. Singh and others, 2002 SCC(LNS) 909 State (of UP V/s Rajpal Singh 2002(1)SCT 205 and other case reported as 2004(2)SC 703(J&K).

In view of the discussion made above the reference made by the appropriate Government is answered in the terms that the action of the Management, Jalandhar in terminating services of Shri Manohar Lal was illegal and unjustified and the same is quashed, workman is entitled to all the service benefits as if there was no order of termination his services.

The workman has admitted that since the day of his terminating he worked as a (labourer and sometimes he drew the rickshaw, therefore, he did not remained without work and what he earned may not be that much as he would earned but for termination of his services. He is, therefore, required to be compensated for the action of the Management which has been declared as bad in law. He will, therefore, be entitle to back wages upto 50%. The Management is directed to take back the workman in service and also pay him the back wages within three months from the date this award becomes enforceable and in case of failure on their part they will pay back wages to the workman along with interest at the rate of 10%p.a. Let a copy of this award be sent to appropriate Govt. for necessary action and the file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 24 नवम्बर, 2006

का.आ 4873.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डाक विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-11, चण्डीगढ़ के पंचाट (संदर्भ संख्या 1030/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-11-2006 को प्राप्त हुआ था।

[सं. एल-40012/157/93-आई आर(डी.यू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 24th November, 2006

S.O. 4873.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 1030/2005) of the Central Government Industrial-Tribunal-cum- Labour Court, No. II, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Post and their workmen which was received by the Central Government on 24-11-2006.

[No.L-40012/157/93-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT-II CHANDIGARH

Presiding Officer : Shri Kuldip Singh

CASE NO. ID. No 1030/2005.

Registered on 19-09-2005

Date of Decision 19-10-2006.

Prahlad Singh S/o Shri Hawa Singh, R/o
Village and Post Office Dabra, Tehsil and
District Hissar

...Petitioner

Versus

SUPERINTENDENT MAIN POST OFFICE, HISSAR

.....Respondent

APPEARANCE

For the Workman : Mr. R.P Ram, Advocate

For the Management : Mr. D.R Sharma, Advocate.

AWARD

Government of India vide their notification No.L-40012/157/93-IR(DU) dated 16th November, 1994 referred the following dispute for the adjudication of this Tribunal :

"whether the action of the Management of Superintendent of Post Office, Hissar in terminating the services of the workman Shri Parhlad Singh, w.e.f 13-11-1992 is just, fair and legal? If not, what relief the workman is entitled and from what date ?"

The notice of the reference was given to the parties who appeared through their Counsel as well as in person. The workman filed his Claim Petition, replication and affidavit. He also placed on record a photo copy of his matriculation certificate, the certificate of domicile, charge report, appointment letter, demand notice and a copy of the failure of conciliation report. The Management filed reply to the claim of the workman. They also filed the affidavit of Shri K.L Bhutani, Superintendent of Post Offices. The workman has also appeared as a witness whereas the Management has examined Shri. K. L. Bhutani, as their witness in support of their case.

Stated in brief the claim of the workman is that he was employed by the Management on a salary of Rs.488 on the demand of the public of village Dabra and he took over the charge from Niranjana Lal Sharma on 12th October, 1991. His salary was later on raised to 553/- per month. That he performed his duties, efficiently and with full devotion; that he served the Management till 12th November, 1992 without a break and on that day, as per letter of the sub-Divisional Inspector dated 26th October, 1992, he was discharged from service without notice, charge sheet and inquiry and at his place one Suresh Kumar was engaged. On his approaching the ALC Rohtak the parties were summoned. They produced their evidence but the Management did not accept the claim of the workman, therefore, the conciliation failed; hence the present reference. It is further alleged by him that the concerned Superintendent of Post Office managed that the name of the workman is not included in the list sent by the Employment Exchange and those who were junior to the workman and having less experienced and qualification were recommended for Employment. This way the Management violated the provisions of Industrial Dispute Act, hereinafter to be referred as "Act".

The Management has opposed the claim of the workman by raising the preliminary objections that the Management is not an Industry; that the workman was engaged under the Post and Telegraph, Extra Department Agent (Conduct and Service Rules 1964, therefore, this Tribunal has no jurisdiction to examine this case; that the reference) was incompetent; and that as per the nature of his engagement the workman was not entitled to continue service, therefore, the reference, should be rejected.

On merits, it is submitted by the Management that the workman was not engaged through Employment Exchange and his appointment was provisional and not by a regular process of selection. His engagement was hurriedly done on the vacancy of one Mohan Singh who got involved in a fraud case. Admitting that the workman had taken the charge of duties on 12th October, 1991 it is stated by them that the engagement of the workman was provisional, a stop gap arrangement till the appointment regular in nature made. The engagement of the workman thus ended the moment a regular appointee joined the service. Denying the allegation of malafide on the part of the Management, it is stated by them that the reference cannot proceed without arraying the concerned officers as Party to the reference. They further denied that the workman was engaged through the Employment Exchange. They further admitted that Shri Suresh Kumar was appointed on regular basis; and that the provisions of the Act were not applicable in the case of the workman. They prayed for the dismissal of the reference.

The workman in his replication did not add any new claim nor explained any facts alleged by the Management in their Written Statement.

I have gone through the file and have also considered the submissions made by the Counsel for the parties.

There is no dispute between the parties about the fact that the workman has served the Management from 12th October, 1991 till 12th November, 1992. Mr. K. L. Bhutani who appeared as a witness for the Management admitted that the workman had worked for the Management from 12th October, 1991 to 12th November, 1992. He further admitted that the services of the workman were terminated without notice; and that the workman had continuously worked from the date of appointment till the date of termination of his services; and that Shri Suresh Kumar was appointed after the termination of services of the workman but claimed that appointment was a regular one according to the service rules.

The short question which has fallen for consideration is whether the Management was required to follow the provisions of Section 25-F of the Act before terminating the services of the workman or not?

The defence of the Management to the claim of the workman is that the engagement of the workman was not by a regular process of selection and was a stop gap arrangement in an emergency since the incumbent working on that post Shri Mohan Singh was involved in a fraud case, therefore, he was required to be relieved immediately. For that purpose the stop gap arrangement was made. The engagement of the workman was, therefore, was provisional without following the process of as required by the service rules. The appointment of the workman, therefore, did not confer any right on him as he was required to make way for a regular appointee and ultimately he was, relieved. Moreover, the appointment of the workman was specific in nature depending upon the happening of a contingency and it got terminated on the joining of a regular appointee. Their further claim is that the workman was not sponsored by the Employment Exchange in response to the requisition made by the Management, therefore, the workman was not considered for a regular appointment. The Management, has further alleged that since the recruitment of the workman was governed by service rule, therefore, the proceedings under the Act were without jurisdiction. As such the reference is devoid of any merit and it should be dismissed.

The perusal of the file shows that the workman was a victim of misunderstanding, created bonafidely or malafidely. There is no denying of the fact that the workman was continuously working for the Management w.e.f 12th October, 1991 and he served the Management upto 12th November, 1992. He, therefore, had put in more than 240 days of service for the Management at the time he was disengaged from the service. The Management has admitted that neither any notice of termination was given to the workman nor he was paid any compensation by them. There is also no evidence to show that the Management had brought to the notice of appropriate Govt. that they propose to disengage the services of the workman. Thus the Management did not follow the provisions of Section 25-F of the Act before terminating the services of the workman.

The Management has taken the plea, that the Management is not an Industry, in my opinion, without any merit. It is now settled for numerous judgement that the Department of Postal Service is an Industry. Seven judges judgement of Supreme Court in the case of Bangalore Water Supply Sewerage Board V/s A.Rajappa 1978, 1 LLJ Page 349, has defined the word "Industry" and applying that test the Management comes within the preview of Industry. Therefore, their defence that the provisions of the Act are not applicable in this case is not available to them. There is also no merit in the submission that the engagement of the workman was for specified period and on the happening of the contingency, his services automatically got disengaged. The Management has not brought anything on record to show that in what were the circumstances in which the workman was engaged. It is true that the engagement of the workman was made on the contingency or involvement or his predecessor. Mohan Singh in a fraud case but there is no evidence to show that there were no terms and conditions under which he was engaged and in the view of that his services terminated automatically i.e. on the recruitment of regularly staff.

In these proceedings the non regularization of services of the workman was justified or not is not the question to be examined what is required to be examined is whether the termination of the workman was legal or not. The non-consideration of workman for regularization is a mute question and much can be said about it. Since it is out of reference, therefore, I refrain from making any comments about it. As regards the termination of the workman it is clear from the record that before terminating his services the Management neither issued him the notice nor they informed the appropriate Govt. about their intention to terminate the workman. The disengagement of the workman was, therefore, bad in law and it was in violation of provisions of Section 25-F of the Act. For these reasons the termination of the workman is declared bad in law.

The question now comes as to which relief he is entitled to. In my opinion the workman is entitled to back wages and all other benefits as if there was no order of his termination. There has come no positive evidence from the side of the workman that he was re-engaged after the termination. But there also has come no evidence to show that he remained Idle. Otherwise also how could he sustained and taken care of his family without earning. Considering all these circumstances my opinion is that the workman is entitled to back wages to the tune of 50%. His plea is allowed and the reference is answered in his favour holding that his termination was bad in law and he is entitled to back wages which he would have got from 12th November, 1992 but for his disengagement by the Management. The Management is directed to restore the workman to his position immediately and pay him the back wages within three months, failing which he will be entitled to interest on the back wages at the rate of 9%p.a. Let a

copy of this award be sent to the appropriate govt. for necessary action and the file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 24 नवम्बर, 2006

का.आ 4874.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल इस्ट्रियट ऑफ़ कॉटन रिसर्च के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-II, चण्डीगढ़ के पंचाट (संदर्भ संख्या 404/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-11-2006 को प्राप्त हुआ था।

[सं. एल-42012/211/98-आई आर (डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 24th November, 2006

S.O. 4874.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 404/2005) of the Central Government Industrial-Tribunal-cum - Labour Court, No. II, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Instt. of Cotton Research and their workmen which was received by the Central Government on 24-11-2006.

[No. L-42012/211/98-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT-II, CHANDIGARH

Presiding Officer : Shri Kuldip Singh

CASE No. I.D. No 404/2005.

Registered on 19-08-2005

Date of Decision 20-10-06

Smt. Santra C/o Shri Darshan Singh, 371/9,
Jawahar Nagar, Hissar-125001

....Petitioner

Versus

The head of the Station, Central Instt. of Cotton Research, Regional Station, Sirsa (Haryana)

...Respondent

APPEARANCE

For the Workman : Mr. Darshan Singh and
Dalbir Singh AR

For the Management : Mr. S.K Sood, Advocate &
S.K Sindia

AWARD

The workman continues to be absent. In this Tribunal she has not appeared even once in person. Ultimately a notice was issued to her under R/C vide Postal Receipt

No.467 dated 26th July, 2006 directing her to appear in this Tribunal on 9th Oct., 2006. Neither on that day nor today she is present nor a notice sent to her has been received back unserved. This shows that she has received the notice but is left with no interest to prosecute her case.

On record there is Claim Petition and reply of the management. The parties have also filed the affidavits in support of their claim, but the witnesses have not appeared to prove their affidavits. Thus the affidavits have remained unattested by the touch stone of the cross examination.

In the pleadings it is the claim of the workman is denied by the Management. However, there is no evidence to support the claim of either of the parties. On record I do not find any evidence to show that the Management had disengaged the workman Smt. Santra and their action was not legal and justified. Since the workman has failed to prove that her termination is bad in law, therefore, she is not entitled to any relief. The reference is answered against her holding that she is not entitled to any relief. Let a copy of this award be sent to the appropriate govt. for necessary action and the file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 24 नवम्बर, 2006

का.आ 4875.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल इस्ट्रियूट ऑफ कॉटन रिसर्च के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-II, चण्डीगढ़ के पंचाट (संदर्भ संख्या 406/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-11-2006 को प्राप्त हुआ था।

[सं. एल-42012/204/98-आई आर(डी यू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 24th November, 2006

S.O. 4875.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 406/2005) of the Central Government Industrial-Tribunal-cum-Labour Court, No. II, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Instt. of Cotton Research and their workmen which was received by the Central Government on 24-11-2006.

[No.L-42012/204/98-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

Presiding Officer : Shri Kuldip Singh

Case No.I.D.No 406/2005.

Registered on 19-08-2005

Date of Decision 20-10-06

Smt. Santosh C/o Shri Darshan Singh, 371/9, Jawahar Nagar, Hissar-125001

.....Petitioner

Versus

The Head of the Station, Central Instt. of Cotton Research, Regional Station, Sirsa (Haryana)

...Respondent

APPEARANCE

For the Workman : Mr. Darshan Singh and Dalbir Singar AR

For the Management : Mr. S.K Sood, Advocate & S.K Sindia

AWARD

The workman continues to be absent. In this Tribunal she has not appeared even once in person. Ultimately a notice was issued to her under R/C vide Postal Receipt No. 762 dated 26th July, 2006 directing her to appear in this Tribunal on 9th Oct., 2006. Neither on that day nor today she is present nor a notice sent to her has been received back unserved. This shows that she has received the notice but is left with no interest to prosecute her case.

On record there is Claim Petition and reply of the management. The parties have also filed the affidavits in support of their claim, but the witnesses have not appeared to prove their affidavits. Thus the affidavits have remained unattested by the touch stone of the cross examination.

In the pleadings it is the claim of the workman is denied by the Management. However, there is no evidence to support the claim of either of the parties. On record I do not find any evidence to show that the Management had disengaged the workman Smt. Santosh and their action was not legal and justified. Since the workman has failed to prove that her termination is bad in law, therefore, she is not entitled to any relief. The reference is answered against her holding that she is not entitled to any relief. Let a copy of this award be sent to the appropriate govt. for necessary action and the file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 24 नवम्बर, 2006

का.आ 4876.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल इस्ट्रियूट ऑफ कॉटन रिसर्च के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-II, चण्डीगढ़ के पंचाट (संदर्भ संख्या 407/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-11-2006 को प्राप्त हुआ था।

[सं. एल-42012/212/98-आई आर(डी यू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 24th November, 2006

S.O. 4876.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 407/2005) of the Central Government Industrial-Tribunal-cum-Labour Court, No. II, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Instt. of Cotton Research and their workmen which was received by the Central Government on 24-11-2006.

[No.L-42012/212/98-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT-II, CHANDIGARH**

Presiding Officer : Shri Kuldip Singh

Case No. I.D. No 407/2005.

Registered on 19-08-2005

Date of Decision 20-10-06

Smt. Suman C/o Shri Darshan Singh, 371/9, Jawahar
Nagar, Hissar-125001

...Petitioner

Versus

The Head of the station, Central Instt. of Cotton
Research, Regional Station, Sirsa (Haryana)

...Respondent

APPEARANCE

For the Workman : Mr. Darshan Singh and
Dalbir Singh AR

For the Management : Mr. S.K Sood, Advocate &
S. K Sidana

AWARD

The workman continues to be absent. In this Tribunal she has not appeared even once in person. Ultimately a notice was issued to her under R/C vide Postal Receipt No. 765 dated 26th July, 2006 directing her to appear in this Tribunal on 9th Oct., 2006. Neither on that day nor today she is present nor a notice sent to her has been received back unserved. This shows that she has received the notice but is left with no interest to prosecute her case.

On record there is Claim Petition and reply of the management. The parties have also filed the affidavits in support of their claim, but the witnesses have not appeared to prove their affidavits. Thus the affidavits have remained unattested by the touch-stone of the cross examination.

In the pleadings, the claim of the workman is denied by the Management. However, there is no evidence to support the claim of either of the parties. On record I do not find any evidence to show that the Management had disengaged the workman Smt. Suman and their action was not legal and justified. Since the workman has failed to

prove that her termination is bad in law, therefore, she is not entitled to any relief. The reference is answered against her holding that she is not entitled to any relief. Let a copy of this award be sent to the appropriate Government for necessary action and the file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 24 नवम्बर, 2006

का.आ 4877.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं.-II, चण्डीगढ़ के पंचाट (संदर्भ संख्या 332/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-11-2006 को प्राप्त हुआ था।

[सं. एल-40012/205/2001-आई आर(डी.यू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 24th November, 2006

S.O. 4877.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 332/2005) of the Central Government Industrial Tribunal cum Labour Court, No. II, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Department and their workman which was received by the Central Government on 24-11-2006.

[No. L-40012/205/2001-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT-II, CHANDIGARH**

Presiding Officer : Shri Kuldip Singh

Case No. I.D. No. 332/2005.

Registered on 11-03-2005/16-8-2005

Date of Decision 20-10-2006.

Gurdip Singh C/o Shri N. K. Jeet, 27349, Lal Singh Basti
Road, Bhatinda (Punjab)

...Petitioner

Versus

The General Manager, Telecom, Department of Telecom,
Amritsar (Punjab)

...Respondent

APPEARANCE

For the Workman : Mr. N.K. Jeet AR

For the Management : Mr. G. C. Babbar,
Advocate.

AWARD

The workman continues to be absent. The record of the file shows that the workman has never appeared in

person in this Court. He stopped appearing even though the representative and ultimately a notice under R/C was issued to him vide Postal Receipt No. 2202 dated 30th August, 2006. He was directed to appear today but again neither in person nor through representative he is present. He has also not filed his affidavit in support of his pleadings. This shows that the workman has lost interest in the case. The reference is, therefore, being answered in the absence of the workman.

The Government of India vide their order No.L-40012/205/2001/IR(DU) dated 24th Feb. 2003 desired to know whether the action of the Management of General Manager Telecom(BSNL), Amritsar in terminating the services of Shri Gurdip Singh S/o Dhyan Singh was just and legal? If not to what relief the workman is entitled to and from which date.

On a notice issued by the Tribunal the workman appeared and claimed that he was engaged as a Regular Mazdoor by the Management on 1st April, 1994 and he served in the office of SDE, D- Tax, Albert Road Exchange Amritsar till 28th Feb., 1999 on a salary of Rs.2200/-. The Management denied this claim of the workman and stated that the workman was never engaged by them as they had an agreement with a contractor to provide them work force therefore, there never existed a relationship of workman and Management between the parties. On record I do not find any evidence in support of the claim of the workman whereas the Management has supported their claim with the affidavit of Shri Anil Chopra SDE, Phones, (Digital Tax).

After perusing the pleadings of the parties I am satisfied that the workman has failed to prove his claim, therefore, he is entitled to no relief. The reference made by the appropriate government is answered against him. Let a copy of this award be sent to the appropriate government for necessary action and the file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 24 नवम्बर, 2006

क्र.आ 4878.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं.-II, चण्डीगढ़ के पंचाट (संदर्भ संख्या 743/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-11-2006 को प्राप्त हुआ था।

[सं. एल-40012/49/2000-आई आर(डी.यू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 24th November, 2006

S.O. 4878.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 743/

2005) of the Central Government Industrial Tribunal cum Labour Court, No. II, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Department and their workman which was received by the Central Government on 24-11-2006.

[No.L-40012/49/2000-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT-II, CHANDIGARH

Presiding Officer : Shri Kuldip Singh

Case No. I.D. No. 743/2005.

Registered on 2-09-2005

Date of Decision 20-10-06.

Satish Kumar C/o

Shri Karam Singh, 4093, Maloya Colony,
Chandigarh.

...Petitioner

Versus

The General Manager,
Telecom, Sector-18,
Chandigarh.

....Respondent

APPEARANCE

For the Workman : Mr. Karam Singh. AR

For the Management : Mr. G. C. Babbar.
Advocate

AWARD

The workman continues to be absent. The record of the file shows that the workman has never appeared in person in this Court. On 26th July, 2006 he appeared through Counsel and had the notice of the date fixed for 9th October, 2006 but he did not appear on that date nor he is present today. He is, therefore, absent despite due notices to him. He has also not filed his affidavit in support of his pleadings. This shows that the workman has lost interest in the case. The reference, is, therefore, being answered in the absence of the workman.

The Government of India vide their order No. L-40012/49/2000/IR(DU) dated 30th May, 2000 desired to know whether the action of the Management of General Manager Telecom, Amritsar in terminating the services of Shri Satish Kumar was just and legal? If not to what relief the workman is entitled to and from which date.

On a notice issued by the Tribunal the workman appeared and claimed that he was engaged as a Telegraph Man/Messenger by the Management on 31st August, 1996 and he served in the office of SDO, Phones City Amritsar till 28th Feb., 1999 on a salary of Rs. 1500/- The Management denied this claim of the workman and stated that the

workman was never engaged by them as they had an agreement with a contractor to provide them work-force, therefore, there never existed a relationship of workman and Management between the parties. On record I do not find any evidence in support of the claim of the workman. The parties filed the affidavits of their witnesses but they have not produced the deponents to prove their affidavits.

After perusing the pleadings of the parties I am satisfied that the workman has failed to prove his claim, therefore, he is entitled to no relief. The reference made by the appropriate Government is answered against him. Let a copy of this award be sent to the appropriate Government for necessary action and the file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 24 नवम्बर, 2006

का.आ 4879.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं.-II, चण्डीगढ़ के पंचाट (संदर्भ संख्या 637/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-11-2006 को प्राप्त हुआ था।

[सं. एल-40012/24/2001-आई आर(टी.यू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 24th November, 2006

S.O. 4879.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 637/2005) of the Central Government Industrial Tribunal cum Labour Court, No. II, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Department and their workmen which was received by the Central Government on 24-11-2006.

[No.L-40012/24/2001-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT-II, CHANDIGARH

Presiding Officer : Shri Kuldip Singh

CASE No. I.D. No. 637/2005.

Registered on 24-8-2005

Date of Decision 20-10-2006.

Sandeep Kumar

S/o Shri Des Raj

C/o Shri N.K. Jeet, 27349, Lal Singh

Basti Road, Bhatinda (Punjab)

Petitioner

Versus

The General Manager,
Telecom, Amritsar (Punjab)

Respondent

APPEARANCES

For the Workman : Mr. N.K. Jeet, AR

For the Management : Mr. G. C. Babbar, Advocate

AWARD

The workman continues to be absent. The record of the file shows that the workman has never appeared in person in this Court. He stopped appearing even through the representative and ultimately a notice under R/C was issued to him vide Postal Receipt No. 2210 dated 30th August, 2006. He was directed to appear today but again neither in person nor through representative he is present. He has also not filed his affidavit in support of his pleadings. This shows that the workman has lost interest in the case. The reference is, therefore, being answered in the absence of the workman.

The Govt. of India vide their order No.L-40012/24/2001/IR(DU) dated 27th April, 2001 desired to know whether the action of the Management of General Manager Telecom, Amritsar in terminating the service of Shri Sandeep Kumar was just and legal? If not to what relief the workman is entitled to and from which date?

On a notice issued by the Tribunal the workman appeared and claimed that he was engaged as a workman by the Management on 1st May, 1996 and he served in the office of SDO Phones, City Amritsar till 28th Feb., 1999 on a salary of Rs. 2138/-. The Management denied this claim of the workman and stated that the workman was never engaged by them as they had an agreement with a contractor to provide them work force therefore there never existed a relationship of workman and Management between the parties. On record I do not find any evidence in support of the claim of the workman whereas the Management has supported their claim with the affidavit of Shri Roop Singh SDOP City II, Amritsar.

After perusing the pleadings of the parties I am satisfied that the workman has failed to prove his claim, therefore, he is entitled to no relief. The reference made by the appropriate Govt. is answered against him. Let a copy of this award be sent to the appropriate Govt. for necessary action and the file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 24 नवम्बर, 2006

का.आ 4880.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं.-II, चण्डीगढ़ के पंचाट (संदर्भ संख्या 651/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-11-2006 को प्राप्त हुआ था।

[सं. एल-40012/525/2000-आई आर(डी.यू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 24th November, 2006

S.O. 4880.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 651/2005) of the Central Government Industrial Tribunal-cum-Labour Court-II, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Department and their workman, which was received by the Central Government on 24-11-2006.

[No.L-40012/525/2000-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

Presiding Officer : Shri Kuldip Singh

Case I.D. No. 651/2005

Registered on 24-08-2005

Date of Decision 20-10-2006

Rohit C/o Shri N.K. Jeet, 27349, Lal Singh Basti Road,
Bhatinda (Punjab)

...Petitioner

Versus

The General Manager, Telecom, Amritsar (Punjab)

....Respondent

APPEARANCES

For the Workman	:	Shri N.K. Jeet, AR
For the Management	:	Mr. G.C. Babbar, Advocate.

AWARD

The workman continues to be absent. The record of the file shows that the workman has never appeared in person in this Court. He stopped appearing even through the representative and ultimately a notice under R/C was issued to him vide Postal Receipt No. 2209 dated 30th August, 2006. He was directed to appear today but again neither in person nor through representative, he is present. He has also not filed his affidavit in support of his pleadings. This shows that the workman has lost interest in the case. The reference is, therefore, being answered in the absence of the workman.

The Govt. of India vide their order No. L-40012/525/2000 /IR (DU) dated 31st January, 2001 desired to know whether the action of the Management of General Manager Telecom, Amritsar in terminating the service of Shri Rohit S/o Ramesh Kumar was just and legal? If not to what relief the workman is entitled to and from which date ?

On a notice issued by the Tribunal the workman appeared and claimed that he was engaged as a workman by the Management on 1st June, 1996 and he served in the office of SDO Phones City, Amritsar till 31st July, 1998 on a salary of Rs. 2138. The Management denied this claim of the workman and stated that the workman was never engaged by them as they had an agreement with a contractor to provide them work force therefore, there never existed a

relationship of workman and Management between the parties. On record I do not find any evidence in support of the claim of the workman.

After perusing the pleadings of the parties I am satisfied that the workman has failed to prove his claim, therefore, he is entitled to no relief. The reference made by the appropriate Govt. is answered against him. Let a copy of this award be sent to the appropriate Govt. for necessary action and the file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 24 नवम्बर, 2006

का.आ 4881.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-II, चण्डीगढ़ के पंचाट (संदर्भ संख्या 650/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-11-2006 को प्राप्त हुआ था।

[सं. एल-40012/522/2000-आई आर(डी.यू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 24th November, 2006

S.O. 4881.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 650/2005) of the Central Government Industrial Tribunal-cum-Labour Court-II, Chandigarh as shown in the Annexure in the industrial Dispute between the employers in relation to the management of Telecom Department and their workmen, which was received by the Central Government on 24-11-2006.

[No.L-40012/522/2000-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

Presiding Officer : Shri Kuldip Singh

Case I.D. No. 650/2005

Registered on 24-08-2005

Date of Decision 20-10-2006

Jagat Singh S/o Shri Tarlok Singh C/o Shri N.K. Jeet,
President, Telecom, Labour Union, Bhatinda (Punjab)

...Petitioner

Versus

The General Manager, Telecom, Amritsar (Punjab)

...Respondent

APPEARANCES

For the Workman	:	Shri N.K. Jeet, AR
For the Management	:	Mr. G.C. Babbar, Advocate

AWARD

The workman continues to be absent. The record of the file shows that the workman has never appeared in person in this Court. He stopped appearing even through the representative and ultimately a notice under R/C was issued to him vide Postal Receipt No. 2204 dated 30th August, 2006. He was directed to appear today but again neither in person nor through representative he is present. He has also not filed his affidavit in support of his pleadings. This shows that the workman has lost interest in the case. The reference is, therefore, being answered in the absence of the workman.

The Govt. of India vide their order No. L-40012/522/2000-IR (DU) dated 31st January, 2001 desired to know whether the action of the Management of General Manager Telecom, Amritsar in terminating the services of Shri Jagjit Singh S/o Tarlok Singh was just and legal? If not to what relief the workman is entitled to and from which date.

On a notice issued by the Tribunal the workman appeared and claimed that he was engaged as a workman by the Management on 15th Feb., 1993 and he served in the office of SDO Telegraph, Amritsar till 28th Feb., 1999 on a salary of Rs. 2138. The Management denied this claim of the workman and stated that the workman was never engaged by them as they had an agreement with a contractor to provide them work force therefore, there never existed a relationship of workman and Management between the parties. On record I do not find any evidence in support of the claim of the workman.

After perusing the pleadings of the parties I am satisfied that the workman has failed to prove his claim, therefore, he is entitled to no relief. The reference made by the appropriate govt. is answered against him. Let a copy of this award be sent to the appropriate govt. for necessary action and the file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 24 नवम्बर, 2006

का.आ. 4882.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-II, चण्डीगढ़ के पंचाट (संदर्भ संख्या 333/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-11-2006 को प्राप्त हुआ था।

[सं. एल-40012/206/2002-आई आर(डी यू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 24th November, 2006

S.O. 4882.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 333/2005) of the Central Government Industrial Tribunal-cum-Labour Court, No. II, Chandigarh as shown in the Annexure in the industrial Dispute between the employers in relation to the management of Telecom

Department and their workman, received by the Central Government on 24-11-2006.

[No. L-40012/206/2002-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE**CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH**

Presiding Officer : SHRI KULDIP SINGH

Case No. I. D. No.333/2005

Registered on 11-03-2003

Date of Decision 20-10-2006

Sukhdev Singh C/o Shri N. K. Jeet, 27349, Lal Singh Basti Road, Bhatinda (Punjab)

...Petitioner

Versus

The General Manager, Deptt. of Telecom, Amritsar (Punjab)

....Respondent

APPEARANCE

For the Workman : Mr. Vijay Kumar AR

For the Management : Mr. G.C. Babbar Advocate.

AWARD

The workman continues to be absent. The record of the file shows that the workman has never appeared in person in this Court. He stopped appearing even through the representative and ultimately a notice under R/C was issued to him vide Postal Receipt No. 2207 dated 30th August, 2006. He was directed to appear today but again neither in person nor through representative he is present. He has also not filed his affidavit in support of his pleadings. This shows that the workman has lost interest in the case. The reference is, therefore, being answered in the absence of the workman.

The Govt. of India vide their order No. L-40012/206/2002-IR (DU) dated 24th Feb., 2003 desired to know whether the action of the Management of General Manager Telecom, Amritsar in terminating the services of Shri Sukhdev Singh was just and legal? If not to what relief the workman is entitled to and from which date.

On a notice issued by the Tribunal the workman appeared and claimed that he was engaged as a Mazdoor by the Management on 1st April, 1995 and he served in the office of SDOP Civil II and SDO Krishna Square, Amritsar till 28th Feb., 1999 on a salary of Rs. 2200. The Management denied this claim of the workman and stated that the workman was never engaged by them as they had an agreement with a contractor to provide them work force therefore, there never existed a relationship of workman and Management between the parties. On record I do not find any evidence in support of the claim of the workman whereas the Management has supported their claim with the affidavit of Shri Amanjit Singh.

After perusing the pleadings of the parties I am satisfied that the workman has failed to prove his claim, therefore, he is entitled to no relief. The reference made by the appropriate govt. is answered against him. Let a copy of this award be sent to the appropriate govt. for necessary action and the file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 24 नवम्बर, 2006

का.आ. 4883.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-II, चण्डीगढ़ के पंचाट (संदर्भ संख्या 653/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-11-2006 को प्राप्त हुआ था।

[सं. एल-40012/542/2000-आई आर(डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 24th November, 2006

S.O. 4883.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 653/2005) of the Central Government Industrial Tribunal-cum-Labour Court, No. II, Chandigarh as shown in the Annexure in the industrial dispute between the employers in relation to the management of Telecom Department and their workman, which was received by the Central Government on 24-11-2006.

[No. L-40012/542/2000-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

Presiding Officer : SHRI KULDIP SINGH

Case No. I. D. No. 653/2005

Registered on 24-08-2005

Date of Decision 20-10-2006

Narinder Singh S/o Shri Baldev Singh C/o Shri N. K. Jeet, 27349, Lal Singh Basti Road, Bhatinda (Punjab)

...Petitioner

Versus

The General Manager, Telecom,
Amritsar (Punjab)

....Respondent

APPEARANCE

For the Workman	:	Mr. N.K. Jeet, AR
For the Management	:	Mr. G.C. Babbar, Advocate.

3795 GI/06—22

AWARD

The workman continues to be absent. The record of the file shows that the workman has never appeared in person in this Court. He stopped appearing even through the representative and ultimately a notice under R/C was issued to him vide Postal Receipt No. 2206 dated 30th August, 2006. He was directed to appear today but again neither in person nor through representative he is present. He has also not filed his affidavit in support of his pleadings. This shows that the workman has lost interest in the case. The reference is, therefore, being answered in the absence of the workman.

The Govt. of India vide their order No. L-40012/542/2000-IR (DU) dated 31st Jan., 2001 desired to know whether the action of the Management of General Manager Telecom (BSNL), Amritsar in terminating the services of Shri Narinder Singh S/o Baldev Singh was just and legal? If not to what relief the workman is entitled to and from which date.

On a notice issued by the Tribunal the workman appeared and claimed that he was engaged as a workman by the Management on 17 July, 1997 and he served in the office of SDO Phones, Civil I Amritsar till 28th Feb., 1999 on a salary of Rs. 2138. The Management denied this claim of the workman and stated that the workman was never engaged by them as they had an agreement with a contractor to provide them work force therefore, there never existed a relationship of workman and Management between the parties. On record I do not find any evidence in support of the claim of the workman.

After perusing the pleadings of the parties I am satisfied that the workman has failed to prove his claim, therefore, he is entitled to no relief. The reference made by the appropriate govt. is answered against him. Let a copy of this award be sent to the appropriate govt. for necessary action and the file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 24 नवम्बर, 2006

का.आ. 4884.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-II, चण्डीगढ़ के पंचाट (संदर्भ संख्या 331/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-11-2006 को प्राप्त हुआ था।

[सं. एल-40012/218/2002-आई आर(डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 24th November, 2006

S.O. 4884.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 331/2005) of the Central Government Industrial Tribunal-cum-Labour Court, No. II, Chandigarh as shown in the Annexure in the industrial Dispute between the

employers in relation to the management of Telecom Department and their workman, which was received by the Central Government on 24-11-2006.

[No. L-40012/218/2002-IR (DU)]

SURENDRA SINGH, Desk Officer

**ANNEXURE
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-II,
CHANDIGARH**

Presiding Officer : SHRI KULDIP SINGH

Case No. I. D. No. 331/2005

Registered on 11-03-2003/16-8-2005

Date of Decision 20-10-2006

Smt. Sukhpal Kaur C/o Shri N. K. Jeet, 27349,
Lal Singh Basti Road, Bhatinda (Punjab)

...Petitioner

Versus

The General Manager, Telecom,
Amritsar (Punjab)

....Respondent

APPEARANCE

For the Workman : Mr. N.K. Jeet,
AR

For the Management : Mr. G. C. Babbar,
Advocate.

AWARD

The workman continues to be absent. The record of the file shows that the workman has never appeared in person in this Court. She stopped appearing even through the representative and ultimately a notice under R/C was issued to her vide Postal Receipt No. 2203 dated 30th August, 2006. She was directed to appear today but again neither in person nor through representative she is present. She has also not filed her affidavit in support of her pleadings. This shows that the workman has lost interest in the case. The reference is, therefore, being answered in the absence of the workman.

The Govt. of India vide their order No. L-40012/218/2002-IR (DU), dated 24th Feb., 2003 desired to know whether the action of the Management of General Manager Telecom, Amritsar in terminating the service of Smt. Sukhpal Kaur D/o Late Shri Amrik Singh was just and legal? If not to what relief the workman is entitled to and from which date.

On a notice issued by the Tribunal the workman appeared and claimed that she was engaged as a clerk by the Management on 1st June, 1997 and she served in the office of TRA Section, GMT, Amritsar till 28th Feb., 1999 on a salary of Rs. 2200. The Management denied this claim of the workman and stated that the workman was never engaged by them as they had an agreement with a contractor to provide them work force therefore, there never existed a relationship of workman and Management between the parties. On record I do not find any evidence in support of

the claim of the workman whereas the Management has supported their claim with the affidavit of Shri Ramesh Chander, Assistant Chief Accounts Officer.

After perusing the pleadings of the parties I am satisfied that the workman has failed to prove her claim, therefore, she is entitled to no relief. The reference made by the appropriate Government is answered against her. Let a copy of this award be sent to the appropriate Government for necessary action and the file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 24 नवम्बर, 2006

का.आ. 4885.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूरसंचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-II, चण्डीगढ़ के पंचाट (संदर्भ संख्या 549/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-11-2006 को प्राप्त हुआ था।

[सं. एल-40012/92/2001-आई आर(डी यू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 24th November, 2006

S.O. 4885.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 549/2005) of the Central Government Industrial Tribunal-cum-Labour Court, No. II, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Department and their workman, which was received by the Central Government on 24-11-2006.

[No. L-40012/92/2001-IR (DU)]

SURENDRA SINGH, Desk Officer

**ANNEXURE
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-II,
CHANDIGARH**

Presiding Officer : SHRI KULDIP SINGH

Case No. I. D. No. 549/2005

Registered on 23-08-2005

Date of Decision 20-10-2006

Gora Lal C/o Shri N. K. Jeet, 27349, Lal Singh
Basti Road, Bhatinda (Punjab)

....Petitioner

Versus

The General Manager, Telecom,
Bhatinda (Punjab)

....Respondent

APPEARANCE

For the Workman : Sh. N.K. Jeet,
AR

For the Management : Sh. G.C. Babbar,
Advocate.

AWARD

The workman continues to be absent. The record of the file shows that the workman never appeared in person in this Court. He stopped appearing even through the representative and ultimately a notice under R/C was issued to him vide Postal Receipt No. 2205, dated 30th August, 2006. He was directed to appear today but again neither in person nor through representative he is present. He has also not filed his affidavit in support of his pleadings. This shows that the workman has lost interest in the case. The reference is, therefore, being answered in the absence of the workman.

The Government of India vide their order No. L-40012/92/2002-IR (DU), dated 26th June, 2001 desired to know whether the action of the Management of General Manager Telecom, Bhatinda in terminating the services of Shri Gora Lal S/o Moti Ram was just and legal? If not to what relief the workman is entitled to and from which date?

On a notice issued by the Tribunal the workman appeared and claimed that he was engaged as a Sweeper, w.e.f. 1st Jan., 1997 and he served in the Office of Telephone Exchange, Kotli Kalan till 1st March, 1999 on a salary of Rs. 254. The Management denied this claim of the workman and stated that the workman was never engaged by them as they had an agreement with a contractor to provide them work force therefore, there never existed a relationship of workman and Management between the parties. On record I do not find any evidence in support of the claim of the workman whereas the Management has supported their claim with the affidavit of Shri H.L. Bagla.

After perusing the pleadings of the parties I am satisfied that the workman has failed to prove his claim, therefore, he is entitled to no relief. The reference made by the appropriate Government is answered against him. Let a copy of this award be sent to the appropriate Government for necessary action and the file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 24 नवम्बर, 2006

का.आ. 4886,—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर-संचार विभाग के प्रबंधक के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. II, चण्डीगढ़ के पंचाट (संदर्भ संख्या 643/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-11-2006 को प्राप्त हुआ था।

[सं. एल-40012/328/1999-आई आर(डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 24th November, 2006

S.O. 4886.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 643/2005) of the Central Government Industrial Tribunal-cum-Labour Court, No. II, Chandigarh as shown in the Annexure in the Industrial Dispute between the

employers in relation to the management of Telecom Department and their workman, which was received by the Central Government on 24-11-2006.

[No. L-40012/328/1999-IR (DU)]

SURENDRA SINGH, Desk Officer

**ANNEXURE
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-II,
CHANDIGARH**

Presiding Officer : SHRI KULDIP SINGH

Case No. I. D. No. 643/2005

Registered on 24-08-2005

Date of Decision 2-11-2006

Smt. Bimla C/o Shri N. K. Jeet, 27349, President,
Telecom Labour Union, Mohalla Hari Nagar,
Lal Singh Basti Road, Bhatinda (Punjab)

...Petitioner

Versus

The General Manager, Telecom,
Bhatinda (Punjab)

....Respondent

APPEARANCE

For the Workman : Sh. N.K. Jeet,
AR

For the Management : Sh. G. C. Babbar,
Advocate.

AWARD

The workman continues to be absent. In this Tribunal right from August, 2005. She appeared through representative and that too only twice. She has not appeared even through the representative since May, 2006. Management is present through Counsel.

On record I find the Claim Petition filed by the workman through her representative. Her rejoinder that through representative and her affidavit. The Management has filed their Written Statement and the affidavit of their witness Rajinder Singh. Despite repeated directions to produce the evidence, the workman has failed to appear as a witness or to produce any evidence in support of her claim. The averments made by the workman, in her statement of claim, have been denied by the Management stating that there never existed a relationship of an employer and employee between the parties and that the claim made by the workman is not genuine.

I do not find any evidence on record in support of the claim of the workman which has been received by this Tribunal in the shape of a reference from the appropriate Government vide their order No. L-40012/328/99-IR (DU), dated 27th Jan., 2000 that the action of the Management General Manager, Telecom Bhatinda in terminating the services of Smt. Bimla Devi W/o Late Shri Om Parkash was not legal and justified and if so what relief the workman is entitled to and from which date.

As stated earlier, the workman has not produced any evidence in support of her claim. Her averments have been denied by the Management, duly supported by the affidavits of their witness. I, therefore, do not find any evidence to show that the Management was unjustified in terminating the services of the workman or whether they, at all, had engaged and then disengaged the workman. In view of this the workman is not entitled to any relief. The reference is answered against her. Let a copy of this award be sent to the appropriate Government for necessary action and the file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 24 नवम्बर, 2006

का.आ 4887.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर-संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-II, चण्डीगढ़ के पंचाट (संदर्भ संख्या 638/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-11-2006 को प्राप्त हुआ था।

[सं. एल-40012/335/1999-आई आर(डी.यू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 24th November, 2006

S.O. 4887.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 638/2005) of the Central Government Industrial Tribunal-cum-Labour Court, No. II, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Department and their workman, which was received by the Central Government on 24-11-2006.

[No. L-40012/335/1999-IR (DU)]

SURENDRA SINGH, Desk Officer

**ANNEXURE
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-II,
CHANDIGARH**

Presiding Officer : Shri Kuldip Singh

Case No. I. D. No. 638/2005

Registered on 24-08-2005

Date of Decision 2-11-2006

Dhani Ram C/o Shri N. K. Jeet, 27349, President,
Telecom Labour Union, Mohalla Hari Nagar,
Lal Singh Basti Road, Bhatinda (Punjab)

...Petitioner

Versus

The General Manager, Telecom,
Bhatinda (Punjab)

....Respondent

APPEARANCE

For the Workman : Mr. N.K. Jeet
AR

For the Management : Mr. G. C. Babbar
Advocate.

AWARD

The workman continues to be absent. In this Tribunal, right from August, 2005, he appeared through representative and that too only twice. He has not appeared even through the representative since May, 2006. Management is present through Counsel.

On record I find the Claim Petition filed by the workman through his representative. His rejoinder that to through representative and his affidavit. The Management has filed their Written Statement and the affidavit of their witness Rajinder Singh. Despite repeated directions to produce the evidence, the workman has failed to appear as a witness or to produce any evidence in support of his claim. The averments made by the workman, in his statement of claim, have been denied by the Management stating that there existed a relationship of an employer and employee between the parties and that the claim made by the workman is not genuine.

I do not find any evidence on record in support of the claim of the workman which has been received by this Tribunal in the shape of a reference from the appropriate Govt. vide their order No. L-40012/335/99-IR (DU), dated 27th Jan., 2000 that the action of the Management General Manager, Telecom Bhatinda in terminating the services of Shri Dhani Ram S/o Mool Chand was not legal and justified and if so to what relief the workman is entitled to and from which date.

As stated earlier, the workman has not produced any evidence in support of his claim. His averments have been denied by the Management, duly supported by the affidavits of their witness. I, therefore, do not find any evidence to show that the Management was unjustified in terminating the services of the workman or whether they, at all, had engaged and then disengaged the workman. In view of this the workman is not entitled to any relief. The reference is answered against him. Let a copy of this award be sent to the appropriate Govt. for necessary action and the file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 24 नवम्बर, 2006

का.आ 4888.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर-संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. II, चण्डीगढ़ के पंचाट (संदर्भ संख्या 645/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-11-2006 को प्राप्त हुआ था।

[सं. एल-40012/193/2001-आई आर(डी.यू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 24th November, 2006

S.O. 4888.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 645/2005) of the Central Government Industrial Tribunal-cum-Labour Court, No. II, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Department and their workman, which was received by the Central Government on 24-11-2006.

[No. L-40012/193/2001-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-II,
CHANDIGARH

Presiding Officer : Shri Kuldip Singh

Case No. I. D. No. 645/2005

Registered on 24-08-2005

Date of Decision 2-11-2006

Gian Chand C/o Shri N. K. Jeet, 27349,
Lal Singh Basti Road, Bhatinda (Punjab)

...Petitioner

Versus

The General Manager, Telecom, E-10-B Building,
Bhatinda (Punjab)

....Respondent

APPEARANCE

For the Workman : Mr. N.K. Jeet
AR

For the Management : Mr. G. C. Babbar
Advocate.

AWARD

The workman continues to be absent. In this Tribunal, right from August, 2005, he appeared through representative and that too only twice. He has not appeared even through the representative since May, 2006, Management is present through Counsel.

On record I find the Claim Petition filed by the workman through his representative and his affidavit. The Management has filed their reply and the affidavit of their witness. Despite repeated directions to produce the evidence, the workman has failed to appear as a witness or to produce any evidence in support of his claim. The averments made by the workman, in his statement of claim, have been denied by the Management stating that there never existed a relationship of an employer and employee between the parties and that the claim made by the workman is not genuine.

I do not find any evidence on record in support of the claim of the workman which has been received by this Tribunal in the shape of a reference from the appropriate Govt. vide their order No. L-40012/193/2001/IR (DU), dated 5th Sep., 2001 that the action of the Management General Manager, Telecom Bhatinda in terminating the services of Shri Gian Chand S/o Parsinda Ram was not just and legal

and if so to what relief the workman is entitled to and from which date.

As stated earlier, the workman has not produced any evidence in support of his claim. His averments have been denied by the Management, duly supported by the affidavits of their witness. I, therefore, do not find any evidence to show that the Management was unjustified in terminating the services of the workman or whether they, at all, had engaged and then disengaged the workman. In view of this the workman is not entitled to any relief. The reference is answered against him. Let a copy of this award be sent to the appropriate Govt. for necessary action and the file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 24 नवम्बर, 2006

क्र.अ. 4889.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर-संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. II, चण्डीगढ़ के पंचाट (संदर्भ संख्या 641/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-11-2006 को प्राप्त हुआ था।

[सं. एल-40012/337/1999-आई आर (डी.यू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 24th November, 2006

S.O. 4889.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 641/2005) of the Central Government Industrial Tribunal-cum-Labour Court, No. II, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Department and their workman, which was received by the Central Government on 24-11-2006.

[No. L-40012/337/1999-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-II,
CHANDIGARH

Presiding Officer : Shri Kuldip Singh

Case No. I. D. No. 641/2005

Registered on 24-08-2005

Date of Decision 2-11-2006

Kashmira C/o Shri N. K. Jeet, 27349,
Lal Singh Basti Road, Bhatinda (Punjab)

...Petitioner

Versus

The General Manager, Telecom,
Bhatinda (Punjab)

Respondent

APPEARANCE

For the Workman : Sh. N.K. Jeet
AR
For the Management : Sh. G. C. Babbar
Advocate.

AWARD

The workman continues to be absent. In this Tribunal, right from August, 2005, he appeared through representative and that too only twice. He has not appeared even through the representative since May, 2006, Management is present through Counsel.

On record I find the Claim Petition filed by the workman through his representative. His rejoinder that to through representative and his affidavit. The Management has filed their Written Statement and the affidavit of their witness Rajinder Singh. Despite repeated directions to produce the evidence, the workman has failed to appear as a witness or to produce any evidence in support of his claim. The averments made by the workman, in his statement of claim, have been denied by the Management stating that there never existed a relationship of an employer and employee between the parties and that the claim made by the workman is not genuine.

I do not find any evidence on record in support of the claim of the workman which has been received by this Tribunal in the shape of a reference from the appropriate Govt. vide their order No. L-40012/337/99-IR (DU) dated 27th Jan., 2000 that the action of the Management General Manager, Telecom Bhatinda in terminating the services of Shri Kashmira S/o Gurbax Ram was not legal and justified and if so the workman is entitled to and from which date.

As stated earlier, the workman has not produced any evidence in support of his claim. His averments have been denied by the Management, duly supported by the affidavits of their witness. I, therefore, do not find any evidence to show that the Management was unjustified in terminating the services of the workman or whether they, at all, had engaged and then disengaged the workman. In view of this the workman is not entitled to any relief. The reference is answered against him. Let a copy of this award be sent to the appropriate Govt. for necessary action and the file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 28 नवम्बर, 2006

का.आ 4890.—केन्द्रीय सरकार संतुष्ट हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (द) के उप-खण्ड (vi) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का. आ. 2284 दिनांक 29 मई 2006 द्वारा लोह अयस्क खनन उद्योग जोकि औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 16 में शामिल है, को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 18 जून 2006 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की ओर कालावधि के लिए बढ़ाया जाना अपेक्षित है;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (द) के उप-खण्ड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 18-12-2006 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[सं. एस-11017/13/1997-आई आर(पी एल)]

गुरजोत कौर, संयुक्त सचिव

New Delhi, the 28th November, 2006

S.O. 4890.—Whereas the Central Government having been satisfied that the public interest so requires that in pursuance of the provisions of sub-clause (vi) of the clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour S.O. No. 2284 dated 29-5-2006 the service in the Iron Ore Mining Industry which is covered by item 16 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947) to be a public utility service for the purpose of the said Act, for a period of six months from the 18th June, 2006.

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months.

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act, for a period of six months from the 18th December, 2006.

[No. S-11017/13/1997-IR (PL)]

GURJOT KAUR, Jt. Secy.

नई दिल्ली, 11 दिसम्बर, 2006

का.आ 4891.—केन्द्रीय सरकार संतुष्ट हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (द) के उप-खण्ड के (iv) उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का. आ. 2188 दिनांक 18-5-2006 द्वारा ईंधन गैसों (कोयला गैस प्राकृतिक गैस और ऐसी अन्य) के प्रसंस्करण एवं उत्पादन में लगे उद्योग में सेवाओं को जोकि औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 29 में शामिल है, को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 15-6-2006 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की ओर कालावधि के लिए बढ़ाया जाना अपेक्षित है

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (द) के उप-खण्ड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को

उक्त अधिनियम के प्रयोजनों के लिए दिनांक 15-12-2006 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[सं. एस-11017/2/2003-आई आर(पी एल)]

गुरजोत कौर, संयुक्त सचिव

New Delhi, the 11th December, 2006

S.O. 4891.—Whereas the Central Government having been satisfied that the public interest so requires that in pursuance of the provisions of sub-clause (vi) of the clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour S.O. No. 2188 dated 18-5-2006 the service in the industry engaged in the Processing or Production of Fuel Gases (Coal Gas, Natural Gas and the like) which is covered by item 29 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947) to be a public utility service for the purpose of the said Act, for a period of six months from the 15th June, 2006.

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months.

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act, for a period of six months from the 15th December, 2006.

[No. S-11017/2/2003-IR (PL)]

GURJOT KAUR, Jt. Secy.

नई दिल्ली, 11 दिसम्बर, 2006

क्र.आ 4892.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों

का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 दिसम्बर, 2006 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 (धारा-76 की उपधारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबन्ध हरियाणा के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :

क्रम सं.	राजस्व भाग	हदबस्त संख्या	जिला
1.	नेवल	73	करनाल
2.	कुंजपुरा	75	करनाल

[सं. एस-38013/63/2006-एस.एस.-1]

एस. दो. जेवियर, अवर सचिव

New Delhi, the 11th December, 2006

S.O. 4892.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st December, 2006 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI (except Sub-Section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Haryana namely:—

Sl. No.	Revenue Village	Had Bast No.	District
1.	Newal	73	Karnal
2.	Kanjpur	75	Karnal

[No. S-38013/63/2006-S.S.I]

S. D. XAVIER, Under Secy.